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JOURNALS OF THE  
CONTINENTAL CONGRESS  
1774-1789

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CHIEF, DIVISION OF MANUSCRIPTS

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## PREFATORY NOTE

In the history of the Continental Congress the year 1781 is of great importance, because it shows the development of the idea that a stronger Federal Government than that which had existed up to that time was necessary.

On March 1 the Maryland delegates signed the Articles of Confederation, thus completing that instrument and making it effective, and at length the United States had a constitution; but, on March 6, Varnum, of Rhode Island, offered a resolution, "that a committee be appointed to digest such additional articles to the Act of Confederation to be exercised during the war as shall be deemed necessary to be proposed to the respective States for their ratification," and, on the same day, Varnum, Duane, and Madison were appointed a committee "to prepare a plan to invest the United States in Congress assembled with full and explicit powers for effectually carrying into execution in the several States all acts or resolutions passed agreeably to the Articles of Confederation." The committee's report was considered on May 2. It proposed that the States be asked for an additional article to the Articles of Confederation, which should confer upon Congress the right to employ the forces of the United States, by land or sea, to compel any delinquent State to fulfil its Federal engagements. The additional article was to be binding when enacted by all the States not in the possession of the enemy. The recommendation was referred to a grand committee, consisting of a member from each State.

On the same day John Mathews, of South Carolina, offered a motion, declaring that, during the war, the Congress ought to have authority to make and execute such laws and ordinances as it should deem necessary for prosecuting the war efficiently, but the motion was postponed. On July 20 the grand committee reported a recommendation that the States be asked to grant the power of laying an embargo in time of war, and to give Congress control of quotas of money, as well as authority to collect the money through its own agents. Randolph, Ellsworth, and Varnum were appointed a committee to consider this motion, and, on August 22, they made numerous recommendations concerning the manner of executing the Articles of Confederation. Among other things, they urged that a general council be provided for; that the power to lay embargoes in time of war be granted; that Federal collectors be empowered to collect Federal requisitions; that Congress be given power to issue letters of marque, coin money, emit bills of credit, and borrow money. On November 2 Congress recommended that each State lay a tax, entirely separate from the levies for State expenses, for the purpose of raising its share of the \$8,000,000 required for Federal expenses, and that it be paid to agents of the Superintendent of Finance. In other words, it was to be a Federal levy, paid to Federal officers.

On January 24, 1781, before the Articles of Confederation had been ratified, acting in Committee of the Whole, Congress took the most important action that had been attempted up to that time, in the direction of obtaining Federal funds, when it asked the States to levy an impost duty of 5 per cent on the value of all foreign merchandise imported, and to allow the funds thus collected to be paid into the hands of the agents of Congress. On February 3 it asked the States to vest the power to levy the tax in Congress itself.

On February 7 a plan for executive departments was agreed to—a Superintendent of Finance, Secretary at War, and Secretary of Marine. Already, on January 10, the Department of Foreign Affairs had been established, and, on February 16, the committee to whom the papers of the convention at Hartford had been referred reported that there ought to be an Attorney General of the United States and a court of judicature for trial of all causes relating to offences against the United States. On April 5 the ordinance establishing the Federal courts for trial of piracies was agreed to, the court of appeals in cases of capture being established by the ordinance of July 18. Here, then, were serious efforts to provide executive machinery, to increase the direct power of Congress, and to erect a Federal judiciary.

The great cause of these efforts was the manifest impossibility, under the existing system, of obtaining the money with which to support the military and civil establishments. The circular letter to the States, of January 15, called attention to the failure of previous requisitions and the immediate necessities of the Army, its pay being far in arrears. On February 19 a full statement was made of the debts of the United States, and an estimate of the funds necessary to carry on the Government for a year. On April 18 a further statement of the money borrowed was laid before Congress. The country, it said, had drawn an Army before any currency was provided for maintaining it. Congress had no resources whence to derive funds, except by emitting bills of credit redeemable at a future day. Accordingly, bills of credit had been emitted time after time; then loans and a lottery were resorted to. Recommendations to the States to resort to taxation failed. Money was raised by drafts on our ministers abroad. The Treasurer was ordered to draw upon the treasurers of the States, at 30 days' sight, for their quotas. The request for the 5 per cent impost, to obtain

Federal funds, raised hopes, which were disappointed by the refusal of Rhode Island to agree to the tax. The welcome intelligence was conveyed, on May 28, that the King of France had granted a subsidy of 6,000,000 livres tournois, and had taken steps to enable Franklin to borrow 4,000,000 more. What appeared to be inevitable bankruptcy was thus averted. Fortunately, also, there was a Superintendent of Finance, and, on May 26, the Bank of North America was established.

The evident fact that the war was drawing to a close served to show all the more clearly how feeble the Government would be, when its energies should be relaxed in peace.

On January 17 the battle of the Cowpens was won by Daniel Morgan; other fighting in the Southern Department, during the year, was, in the main, successful to the American forces; the juncture was effected with the French fleet under De Grasse; Cornwallis surrendered October 19.

The peace negotiations became active. On June 11 the mission to France was made a commission, with Franklin, Jay, Adams, Henry Laurens, and Jefferson as members; but Laurens and Jefferson did not serve. The commissioners were instructed, June 15, to require recognition of the independence of the United States by Great Britain, as a condition of any treaty of peace.

These volumes have been belated in coming from the press. They should have appeared last summer; but, although the copy was in the printer's hands in due season, twice the condition of the Library's allotment for printing required the postponement of the publication. The delay has been productive of some benefit, however, since it has encouraged a further revision of the copy, and the proper placing of a few reports which had, at first, eluded identification.

As the work progresses the editorial difficulties do not decrease. The Journal itself becomes meager for the latter part of the year 1781; for some days there are only a few lines of entry; but the collateral papers for these dates are numerous, and their identification requires much painstaking comparison and extensive research. The result, however, is of such unquestionable historic value that it fully repays the time and labor which are expended upon it.

GAILLARD HUNT

*Chief of Division of Manuscripts, Editor*

HERBERT PUTNAM

*Librarian of Congress, July, 1912*



# JOURNALS OF THE CONTINENTAL CONGRESS 1781

MONDAY, JANUARY 1, 1781

A letter, of December 20, from General Washington, was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [James Mitchell] Varnum, Mr. [Theodorick] Bland.

The delegates for Virginia laid before Congress a letter, of 28, from Colonels Mathews and Febiger, which was read; Whereupon,<sup>2</sup>

On motion of Mr. [James] Madison, seconded by Mr. [John] Sullivan,

*Resolved*, That in the new arrangement of the army it is the sense of Congress, that the officers of the continental lines, who have been exchanged since the said arrangement, or are now in captivity, ought to be considered and arranged according to their respective ranks, in the same manner with those who have not been prisoners.<sup>3</sup>

A letter, of 23 December, from the Board of War, was read:<sup>4</sup>

*Ordered*, That it be referred back to the Board of War.

A letter, of 27 December, from General Washington, and a letter of                    from the president of the State of New-hampshire, were read.<sup>5</sup>

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 405. It is printed in *The Writings of Washington* (Ford), IX, 68.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 109.

<sup>3</sup> A copy of this resolution, as an extract from the minutes, is in the *Papers of the Continental Congress*, No. 41, II, folio 174.

<sup>4</sup> This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 265.

<sup>5</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 421; the New Hampshire letter, dated December 19, 1780, is in No. 64, folio 162.

The report of the committee on Mr. J. Adams' letter of 23 August, was called for, and, after debate,

*Ordered*, That it be recommitted.

A motion was then made by Mr. [James] Madison, seconded by Mr. [Thomas] Bee,

That so much of the letter from Mr. Adams as relates to the probable operations of the enemy against the southern states be transmitted to the Commander in Chief; and that he be informed that it is the desire of Congress that he should immediately make such a distribution of the forces under his command, including those of our allies under the Count de Rochambeau as will most effectually counteract the views of the enemy and support the southern states.

A motion was made by Mr. [William] Sharpe, seconded by Mr. [James Mitchell] Varnum, to strike out the latter clause from the word "chief" to the end, and on the question, shall those words stand, the yeas and nays being required by Mr. [Richard] Howly,

<i>New Hampshire</i> ,			<i>Virginia</i> ,		
Mr. Sullivan,	no	} no	Mr. Madison,	ay	} ay
<i>Massachusetts Bay</i> ,			Bland,	ay	
Mr. Ward,	no	} *	<i>North Carolina</i> ,		
[ <i>Rhode Island</i> ]			Mr. Burke,	no	} no
Mr. Varnum,	no	} no	Sharpe,	no	
<i>Connecticut</i> ,			Johnston,	no	
Mr. Huntington	ay	} no	<i>South Carolina</i> ,		
Root,	no		Mr. Mathews,	no	} ay
Wolcott,	no		Bee,	ay	
<i>New York</i> ,			Motte,	ay	
Mr. Floyd,	no	} no	<i>Georgia</i> ,		
<i>Pennsylvania</i> ,			Mr. Walton,	ay	} ay
Mr. Montgomery,	no	} no	Few,	no	
Clymer,	no		Howly,	ay	

So it passed in the negative, and the words were struck out.

It was then moved by Mr. [Thomas] Burke, seconded by Mr. [William] Sharpe, to insert, in lieu of the words struck out;



“And that he be desired to give his opinion to Congress on the expediency of ordering the forces of his Most Christian Majesty, now at Newport in Rhode Island, to take post in Virginia.”

Which was agreed to, and on the question,

*Ordered*, That so much of the letter from Mr. Adams as relates to the probable operations of the enemy against the southern states be transmitted to the Commander in Chief, and that he be desired to give his opinion to Congress on the expediency of ordering the forces of his Most Christian Majesty, now at Newport in Rhode Island, to take post in Virginia.<sup>1</sup>

A motion was made by Mr. [John] Sullivan, seconded by Mr. [James Mitchell] Varnum,

That Lieutenant Colonel William Smith be continued as sub-inspector with his present rank in the army of the United States, to be employed as the Commander in Chief shall direct;

On which, the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>		<i>Virginia,</i>	
Mr. Sullivan,	ay }	Mr. Madison,	ay }
<i>Massachusetts Bay,</i>		Bland,	no }
Mr. Adams,	no }	<i>North Carolina,</i>	
Ward,	no }	Mr. Burke,	ay }
<i>Rhode Island,</i>		Sharpe,	ay } ay
Mr. Varnum,	ay }	Johnston,	ay }
<i>Connecticut,</i>		<i>South Carolina,</i>	
Mr. Huntington,	no }	Mr. Mathews,	ay }
Root,	ay }	Motte,	ay } ay
Wolcott,	ay }	<i>Georgia,</i>	
<i>New York,</i>		Mr. Walton,	ay }
Mr. Floyd,	ay }	Few,	ay }
<i>Pennsylvania,</i>		Howly,	ay }
Mr. Montgomery,	ay }		
Clymer,	ay }		

So it was resolved in the affirmative.

<sup>1</sup> All of the proceedings for this day on the letter of Mr. Adams were also entered in the manuscript Secret (Domestic) Journal.

The committee on the Memorial of W. Peck, and

The Committee to whom the Memorial of Col William Peck was referred, beg leave to Report, That there is a Balance due to the said Peck of three thousand five hundred and thirty three dollars and nineteen ninetieths of a dollar, in specie, being the balance for his pay and subsistence while in the service of the United States. Your Committee therefore submit the following Resolution, Viz.—

*Resolved*, that a warrant issue on Mr Wm Imlay Loan Officer in the State of Connecticut, in favor of Col William Peck for three thousand five hundred and thirty three dollars and nineteen ninetieths of a dollar in bills of the new emission, or other Money equivalent, in full for the balance of his Accounts.<sup>1</sup>

The committee appointed to prepare a letter of credence for the hon. J. A[dams] delivered in their several reports.

Adjourned to 10 o'Clock to Morrow.

#### TUESDAY, JANUARY 2, 1781

The delegates for the State of Massachusetts Bay laid before Congress their credentials, which are in the words following:

##### STATE OF MASSACHUSETTS BAY

*In the House of Representatives Oct. 4, 1780*

*Whereas* the Honble Samuel Adams, Elbridge Gerry, James Lovell, Samuel Holten, George Partridge, Artemas Ward and Timothy Danielson, Esquires, are chosen and appointed to represent this State in the American Congress for one Year, to commence the first day of January next ensuing,

*Resolved*, That the above named Gentlemen, or any two of them, or when more are present in Congress a Major part of them, be and they hereby are fully impowered, with the Delegates who are or may be appointed from the other American States, to Concert, Direct and Order such further measures as appear to them best calculated for the Establishment of the Rights, Liberty and Independence of the United States of America, upon a Basis permanent and Secure against the Power and Art of the Brittish Nation; for prosecuting

<sup>1</sup> This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 19, V. 63. It was set aside January 8.

the present War, concluding Peace, Contracting Alliances, Establishing Commerce, and guarding against any future Encroachments and Machinations of the Enemies of the United States; with Power to adjourn to such times and places as shall appear most Conducive to the Public Safety and advantage:—And it is hereby enjoined, that at least four of the said Gentlemen constantly attend on the business of their Delegation.

Sent up for Concurrence

JOHN HANCOCK *Spk*

In Council Oct<sup>r</sup> 4, 1780

read and concurred

JOHN AVERY *D Secy*

Consented to by the Major  
Part of the Council

True Copy

Attest <sup>1</sup>

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office in the State of Pennsylvania, in favour of Mr. G[eorge] Walton, one of the delegates for the State of Georgia, for twelve thousand dollars old emissions, for which the said State of Georgia is to be accountable.

That a warrant issue on the treasurer in favour of Colonel William Malcolm, for thirteen thousand four hundred dollars old emissions, to defray the expences of four men and five horses in bringing money from Abraham Yates, the loan officer of the State of New York, to the continental treasury, to be destroyed, who employed the said Colonel Malcolm for that purpose and with whom he is to account.<sup>2</sup>

TREASURY OFFICE, *December 21st, 1780.*

The Board of Treasury having received a Letter from the Treasurer of Loans dated the 12th Instant mentioning that “as there are only two remaining of the four Commissioners appointed to count

<sup>1</sup> The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 1.

and destroy the Emissions taken out of circulation—He did not think proper to receive the Money of those Emissions Mr. Brown has brought”—beg leave to offer the following resolution:

*Resolved*, That John Shee and Andrew Doz, together with the treasurer of loans, be competent to execute the duties heretofore assigned them, in conjunction with Hugh Montgomery and Samuel Downe; and that the said John Shee and Andrew Doz, with the treasurer of loans, proceed to destroy any bills which are or may be transmitted by the commissioners of the loan offices to the treasurer of loans, of the emissions of May 20th, 1777, and April 11th, 1778, called out of circulation.

The Board having taken into consideration the Remonstrance of Jonathan Sturges on the subject of damages done his Farm by the Continental Troops (referred to them by Congress), beg leave to Report—

*Resolved*, That the consideration of the damages, represented by Jonathan Sturges, to be done his farm by the continental troops, be deferred to the close of the present war, then to be taken up, in common with others of a similar nature, which have been postponed to that period.

The Board further report;

*Ordered*, That a warrant issue on Abraham Yates, commissioner of the continental loan office for the State of New York, in favor of Edward Chinn, one of the late commissioners of accounts at Albany, for five hundred dollars in the bills of credit emitted pursuant to the act of Congress of the 18 of March last, advanced on account of his salary and to enable him to pay the contingent expences of his present office as an itinerant commissioner of the chambers, and for which sum he is to be accountable.

*Resolved*, That loan office certificates of the following denominations, bearing an interest of six per cent. per annum, be struck under the direction of the Board of Treasury, to be

issued to such fortunate adventurers in the third class as may be entitled to and apply for the same; and that the said certificates be dated at the time of finishing the drawing of the said class, and made payable at the end of five years, viz.

1 of 30,000 dollars.	2 of 10,000 dollars.	200 of 1,000 dollars.
1 of 20,000 do.	10 of 5,000 do.	1000 of 500 do. <sup>1</sup>
2 of 15,000 do.		

The Board of Treasury, to whom was referred the letter from Resolve Smith, report, that, in the opinion of the Board, it is not only inexpedient but highly improper, at this juncture, to dispose of bills of exchange for the purposes pointed out in his letter:<sup>2</sup>

*Resolved*, That Congress agree to the said report.

*Ordered*, That on the application of John Pierce, deputy paymaster general, for money to enable Captain Brown, of Colonel Harrison's regiment of artillery, to join the southern army, the following warrants be issued:

One on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twelve thousand three hundred and seventy-five dollars old emissions.

One on Thomas Harwood, commissioner of the continental loan office for the State of Maryland for two thousand six hundred and thirty-six dollars in the bills of credit emitted pursuant to the act of Congress of the 18 of March last (part of the bills aforesaid subject to the orders of Congress) for which sum the said deputy paymaster general is to be accountable.<sup>3</sup>

#### TREASURY OFFICE, *December 19, 1780*

From the letter from Joseph Clay to the Board of Treasury dated Hillsborough the 20<sup>th</sup> of November, 1780, the following facts are collected:

That only 15,000 dollars of the 100,000 dollars sent in bills of Exchange for the supply of the Southern Army had been sold, and

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 775.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 767.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 781.

those at the rate of 60 for one only, and as it is to be understood from the same letter, that no more will be sold for so high a price, that the necessities of the army are such as will compel Mr Clay to sell the bills for any price he may be offered. Upon these facts the Board of Treasury submit the following resolution

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan-office for the State of Pennsylvania, in favor of the paymaster to the Board of War and Ordnance, for one million dollars, of the old emissions, to be by the said paymaster immediately transmitted to Joseph Clay, deputy paymaster general to the southern department: that the said Joseph Clay be informed, by the Board of Treasury, of the value of bills in this city, and that he be directed to forward what bills may be remaining in his hands unsold by return of the escort who takes to him the money aforesaid, unless it shall appear to the said paymaster for the southern department, absolutely necessary to retain a part of such bills for indispensable supplies for the said department. But at all events the said deputy paymaster shall return to the Board of Treasury thirteen thousand dollars, in bills of exchange, as an equivalent for the million of dollars sent him as aforesaid. That upon the return of the bills aforesaid to the Board of Treasury, should they exceed the equivalent for the million sent, immediate measures be taken for the sale of the said bills, and the money arising from such sale forwarded to the said Joseph Clay, for the use of his department.<sup>1</sup>

A report from the Board of War was read; Whereupon,

WAR OFFICE Dec<sup>r</sup>. 29<sup>th</sup>, 1780.

SIR,

Enclosed is a letter from Genl Knox to Mr Hodgdon D. Com<sup>r</sup> Gen<sup>l</sup> of Military Stores on the subject of a Sword ordered by Congress for Col Meigs. It is sent to shew the light in which the officers view the matters, many similar applications and some more pointed having

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 769.

been made. Three or four years ago Col Flower had some swords made and shewed them to the Board of War for their approbation, but they were conceived to be too badly executed to be presented as a token of National approbation and confidence to the gentlemen Congress meant to honor and were therefore rejected and never paid for by the public as Col Flower informs. It is impossible to gratify the wishes of the gentlemen entitled to swords by Resolutions of Congress under our present embarrassments even if they could be manufactured here with sufficient neatness. It is therefore proposed that eight swords be required in the estimate now going to France. Knowing the delicacy of Congress with respect to asking more in this way than was absolutely essential, it is with some diffidence this proposal is made; but the officers think themselves neglected on the one hand, and it is impracticable on the other to remove their jealousies by domestic purchases. It is therefore proposed that Congress be pleased to direct:

*Ordered*, That the Board of War add to the estimate of supplies to be imported from Europe, eight plain, but elegant silver mounted small swords.<sup>1</sup>

A letter from Colonel Armand was read; Whereupon,<sup>2</sup>

*Resolved*, That General Washington be informed, that Congress consent to his permitting Colonel Armand to take from the line of infantry in the army of the United States, when the state and strength thereof will admit, a sufficient number of volunteers to complete his partizan corps for the next campaign, provided he be not allowed to take more than six men from a regiment.<sup>3</sup>

A representation and memorial of Charles Young was read:

*Ordered*, That it be referred to the Board of Treasury.

A memorial of James Byers was read.<sup>4</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 21.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 164, folio 446.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 735.

<sup>4</sup> Young's memorial is in the *Papers of the Continental Congress*, No. 41, X, folio 728; that of Byers is in No. 41, I, folio 323.

A report from the Board of War, on the letter of J. Laurens, was read; Whereupon,

AT A BOARD OF WAR, *January 1, 1781*

Present Mr Peters

Gen<sup>l</sup> Cornell

Mr Mathews

The board have considered the letter of Lieut Col Laurens on the subject of certain engagements into which he entered with a view of furnishing a Corps of Blacks to the Southward, and beg leave to inform Congress, that the Board gave orders to the Commissary General of Military Stores to procure to be made four hundred Cartouch Boxes, and to have repaired of the public Arms four hundred stands on Lieut Col Laurens's furnishing the money, for the repair of the Arms and purchase of the accoutrements, these monies to be repaid him when the public circumstances would admit. That in consequence of the orders and in a private engagement from Col Laurens to him Mr Hodgdon procured to be made and repaired four hundred Cartouch Boxes and the like number of stands of Arms for the payment whereof Mr Hodgdon pledged himself to the workmen who have made and repaired the Arms and accoutrements and having performed their part of the contract now most importunately press Mr Hodgdon for payment which he has no means of doing consistent with other demands of the department.

That the clothing agreed for by Col Laurens stated in his letter appears to be contracted for at reasonable prices and in the opinion of the Board it ought to be taken for the public use it being much wanted.

The following resolution is therefore submitted:

*Ordered*, That bills of exchange, to the amount of three thousand seven hundred dollars, be put into the hands of the paymaster of the Board of War and Ordnance, for the purpose of enabling the said Board to take for public use, a number of cartouch boxes and a quantity of cloathing, contracted for by Lieutenant Colonel Laurens, and to pay for the repairs of a number of arms, for which Colonel Laurens became engaged.<sup>1</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 165, folio 25.



A report of the Board of War was read; Whereupon,

AT A BOARD OF WAR, *December 26, 1780*

Present M<sup>r</sup> Peters

Gen<sup>l</sup> Ward

The Board of War beg leave to report the following Additional Regulations for the Clothing Department—

That the Clothier General lay before the Board of War from time to time, estimates of the number, species and quantities of Articles of Clothing necessary to be procured from Europe or purchased within these States for the use of the Troops, and on such estimates being allowed, and the articles to be procured by domestic purchases specified by the said Board, orders shall issue from the Clothier General to the Agent Clothiers for making the purchases in such places as the said Board shall direct—

That there be three Agent Clothiers appointed by the Board of War—one to reside in the Eastern—another in the Middle—and another in the Southern District or Division of the United States, whose duty it shall be to purchase and make up all such articles of clothing as shall be directed by the Clothier General with the concurrence of the Board of War and transmit the same, to such places as shall be pointed out by the said Board or the Commander in Chief. All Articles of clothing imported from Europe to be also received and where necessary made up and forwarded by the said Agent Clothiers—

That all monies for purchasing articles of clothing, and the expences attending the making, storing or forwarding the same shall be supplied by the Treasury Board to the Clothier General on estimates allowed by the Board of War, and by him transmitted to the Agents in the proportions allotted to them respectively by the said Board.

That the Board of War in conjunction with the Commander in Chief shall appoint proper places for the receipts and issues of all clothing, and order persons to be there stationed under the direction of the Clothier General, to whom shall be transmitted by the Agent Clothiers respectively exact Invoices of all clothing imported and received and forwarded by them—and of such articles as are purchased within these States an account of Quantities Species and *Prices*. Invoices shall also accompany every parcel of clothing sent to the places of Deposit, and Duplicates of the whole should be transmitted to the Board of War, that a judgment may be formed of the prices given, and of the quality of articles imported or purchased—

and for this purpose, all articles coming into the hands of the Clothier General or of any of his Deputies or Assistants stationed at the places of Deposit shall be compared by them with the Invoices and the quality thereof shall be examined, and if the prices are exorbitant or the articles bad in kind, or if there shall be any Deficiencies, the same shall be represented to the Board of War to enable them to make a proper investigation into the conduct of the purchasing Agents, or if the Deficiencies happen in the Articles imported from abroad, or the same shall be of bad quality, the necessary information may be given to Congress on the subject—

That the Clothier General keep up a regular correspondence with the said Clothing Agents, so as to be constantly informed of the state of their business and to be enabled to give information from time to time to the Board of War of all the material transactions and prospects of the said Agents, who are hereby required duly to inform the Clothier General of every material occurrence in the course of their business and to make to him monthly returns of all articles received, purchased, forwarded or remaining on hand, which returns shall be by the Clothier General drawn into one general return and transmitted monthly with the other returns of his Department to the Board of War and the Commander in Chief.

That for transacting the whole business of receiving, purchasing and making up all articles of clothing passing through their hands respectively each of the said Agent Clothiers receive a Salary of Dollars per annum in specie or bills of the new emissions.

That the said Agent Clothiers shall have so many assistants and clerks as the Board of War shall deem necessary, and the salary of an assistant shall be           Dollars, and that of a clerk           Dollars per month in specie or bills of the new emissions. The Clothier General for transacting the business herein prescribed, shall if it be deemed necessary by the said Board have additional assistants and clerks at the monthly pay before mentioned.

That the Quarter Master General and his deputies in the several States shall, on the requisitions of the said Agent Clothiers respectively, furnish the means of transportation of all articles of Clothing from the places where imported, received or purchased to the places of deposit; and careful Waggon Masters or Conductors to be appointed by the Quarter Master General or some of his Deputies shall proceed with the clothing, who shall be answerable for all deficiencies on the road unless they shall be able to show that the same happened by

unavoidable accident, and not thro' their misconduct or want of attention.

That in cases of injuries or deficiencies happening in the transportation of Clothing, the Clothier stationed at the Magazine or place of Deposit shall represent the matter to the nearest commanding Officer of the Troops of the United States, that the Waggon Master or Conductor having had charge of the clothing so damaged or deficient may be arrested and tried by a Court Martial, and if found guilty compelled to restore the goods lost, or their value, or make satisfaction for Damages accrued through his negligence or mismanagement, or be punished according to the nature of the offence, by judgment of the Court Martial.

That if at any time it shall be necessary to make purchases of Arms, Ammunition or other Articles in the Ordnance Department, the same shall be made under the direction of the Board of War and Ordnance, by the persons appointed Agent Clothiers without any additional expence to the United States, for their trouble in making such Purchases.<sup>1</sup>

*Ordered*, That the report of the committee on the cloathing department be re-committed, and that the report of the Board of War now read be referred to the said committee.

The committee sent to camp delivered in their accounts;

*Ordered*, That the same be referred to the Board of Treasury.

*Ordered*, That the petition of P. January be referred to a committee of three.

The members, Mr. [Joseph] Montgomery, Mr. [John] Witherspoon and Mr. [William] Sharpe.

The committee to whom was referred the memorial of Lee and Jones delivered in their report.

The Committee to whom was referred the letter from Arthur Lee, Esq<sup>r</sup>, of the 7th of December, report further:

That they have had under consideration the fifth, sixth, seventh, eighth and ninth Paragraphs of the said letter relating to the Conduct and Connections of the Minister Plenipotentiary at the Court of

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 757. A copy is on folio 781. A "Plan for regulating the clothing department" is on folio 777.

Versailles, and of the officers and agents of the United States acting under his orders in France;

That they have endeavored to obtain the most impartial Testimony relative to the causes of detention of the Cloathing and Supplies obtained from that Court, and the Proceedings of the agents and officers abroad, of which the following is an authentic state of facts in the opinion of your Committee:

Vide the letter from the Marquis de la Fayette on that subject addressed to the Committee, No. 1.

Vide Mr. Brown's Evidence, No. 2.

Vide Cap<sup>t</sup> Truxon's Evidence, No. 3.

Vide Cap<sup>t</sup> Sauter's Evidence, No. 4.

Whereupon, your Committee report it as their opinion that a day be appointed to take the sense of Congress whether D<sup>r</sup> Franklin, Minister Plenipotentiary at the Court of Versailles, shall be recalled.<sup>1</sup>

WAR OFFICE Dec<sup>r</sup>. 29<sup>th</sup> 1780

SIR,

The detachment of the Artillery Artificers who were stationed in Philadelphia have marched to Carlisle agreeable to the direction of Congress, but whether there is a sufficient stock of provisions at that post yet remains a doubt, particularly as to the article of meat.

The Board have done every thing in their power to have supplies at the post, and if any disappointments happen, they hope they shall not be deemed responsible. If money and provisions can be furnished these men will be usefully employed, if not they will be a burthen to the public, and what is most alarming, the Army will want their Ordnance supplies.

The affairs at Springfield remain in the most deranged situation. A M<sup>r</sup> Hiller who is strongly recommended to the Board as a capable person, is appointed Commissary of Military Stores, and is intended to take charge of the business at Springfield; but his instructions are delayed on account of the report of the Board respecting the pay of the department not being acted on by Congress.

The season is far advanced and the preparations so essentially necessary for the next Campaign are still delayed. Every day lost at this period will be regretted at the opening of the Campaign and therefore it is hoped Congress will excuse the Board for pressing a

<sup>1</sup> See *Ante* Vol. XVIII, p. 1114. This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, III, folio 513. The indorsement says: "Read Jany. 2, 1781. August 24, 1781, not to be acted upon."

determination on the report before mentioned, and also repeating their request, that a sum of money agreeable to estimate, may be furnished the Commissary General of Military Stores, to enable him to proceed on the duties of his department. The estimate made by the Commissary General amounts to £51,230 in Specie, but if half that sum could be speedily furnished, and so much of the remainder as the Board shall deem absolutely essential be supplied in the course of a few months, the business would emerge from its present languid state, and the Department rendered useful to the public.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 3, 1781

A letter, of this day, from Doctor William Shippen, director general of the hospital, was read, requesting leave to resign: <sup>2</sup>

*Ordered*, That his resignation be accepted.

Two papers, signed Patrick Garvey, were laid before Congress and read:

*Ordered*, That the same be referred to the Medical Committee.

A letter, of this day, from the hon<sup>ble</sup> J. Laurens, was read.

A letter, of 2, from A. Lee, was read: <sup>3</sup>

*Ordered*, That it be referred to the Board of Treasury.

The delegates of Virginia laid before Congress a memorial to them from Major C. Holmer: <sup>4</sup>

*Ordered*, That it be referred to the Board of Treasury to take order.

A letter from James McComb was read: <sup>5</sup>

*Ordered*, That it be referred to a committee of five.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 13. It was read on this day, as the indorsement indicates.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XXI, folio 1.

<sup>3</sup> Laurens' letter is in the *Papers of the Continental Congress*, No. 165, folio 37; it is printed in the *Diplomatic Correspondence of the Revolution* (Wharton) IV, 225. Lee's letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 401.

<sup>4</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, IV, folio 153.

<sup>5</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 117.

The members, Mr. [Samuel] Adams, Mr. [Jesse] Root, Mr. [John] Witherspoon, Mr. [Thomas] McKean, Mr. [George] Clymer.

*Ordered*, That the committee on the letter, of October 30, from the Board of War, be discharged, and that the said letter, with the papers enclosed, be referred to the Board of War.

*Ordered*, That a member be added to the committee on the letter, of November 19, from Major General Greene, in the room of Mr. [Ezekiel] Cornell.

The member, Mr. [Artemas] Ward.

A letter and memorial, from John Ross, were read, with a copy of his account against the United States:<sup>1</sup>

*Ordered*, That the same be referred to the Board of Treasury to liquidate the account and devise ways and means for paying the balance due to him.

A report from the Board of Treasury was read:

*Ordered*, That on the application of Mr. [William] Few, a delegate for the State of Georgia, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for fifteen thousand dollars old emissions, for which the said State of Georgia is to be accountable.

The Board having taken into consideration the Memorial of Henry Geiger of the 20<sup>th</sup> of December 1780 (referred to them by Congress) beg leave to report:

That the Memorialist appears to be in the same situation with numbers of others, who furnished supplies to General Lincoln for the Southern Army, in payment of which they received his draughts on the President of Congress.

That the State of the Treasury is such at present as not to admit of the payment of these drafts in money.<sup>2</sup>

<sup>1</sup> This letter and memorial are in the *Papers of the Continental Congress*, No. 41, VIII, folios 280 and 284.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 3.

The Board of War, to whom was referred the letter of October 13 from Brigadier J. Reed, delivered in a report; Whereupon,

*Resolved*, That for the future, Brigadier General James Reed receive the emoluments of officers retiring from service by virtue of the resolutions of Congress on that subject; and that it be recommended to the executive of the State of New Hampshire to make up to him the depreciation of his pay from the time of his appointment to this day; and to pay him in future, on account of the United States, the sum he is entitled to receive, from time to time, by virtue of the said resolutions.<sup>1</sup>

Congress took into consideration the draft of the letter of credence for the hon<sup>ble</sup> J. Adams, which was agreed to.

The committee appointed to prepare letters of credence to the honourable J. Adams reported drafts which were agreed to as follows: <sup>2</sup>

To their High Mightinesses the States General of the United Netherlands.

HIGH AND MIGHTY LORDS,

The United States of North America in Congress assembled, impressed with a high sense of the wisdom and magnanimity of your High Mightinesses, and of your inviolable attachments to the rights and liberties of mankind, and being desirous of cultivating the friendship of a nation eminent for its wisdom, justice and moderation, have appointed the honourable John Adams, late a delegate in Congress from the State of Massachusetts, and a member of the council of that State, to be their minister plenipotentiary to reside

<sup>1</sup> A copy of this resolve is in the *Papers of the Continental Congress*, No. 78, XXI, folio 125. The Board of War's report, dated January 2, is in No. 147, VI, folio 29.

<sup>2</sup> This report is entered only in the manuscript Secret Journal, Foreign Affairs. A copy of the first letter in Thomson's hand, is in the *Papers of the Continental Congress*, No. 19, I, folio 17, and of the one to the Prince of Orange in No. 25, I, folio 267. The letter to the Prince of Orange is printed in the *Diplomatic Correspondence of the Revolution* (Wharton) IV, 225.

near you, that he may give you more particular assurances of the great respect they entertain for your High Mightinesses. We beseech your High Mightinesses to give entire credit to every thing which our said minister shall deliver on our part, especially when he shall assure you of the sincerity of our friendship and regard. We pray God to keep your High Mightinesses in his holy protection.

Done at Philadelphia, this third day of January, in the year of our Lord, 1781, and in the fifth year of our Independence. By the United States of America. Your Friends,

S. HUNTINGTON, *President*.

Attest

CH. THOMSON, *Sec'y*.<sup>1</sup>

To His Most Serene Highness the Prince of Orange.

HIGH AND SERENE PRINCE,

The United States of America in Congress assembled, impressed with a deep sense of your wisdom and magnanimity, and being desirous of cultivating the

<sup>1</sup> A draft of this letter, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 19, I, folio 9, and is as follows:

High and Mighty Lords:

The thirteen united States of North America in Congress assembled impressed with a high sense of the Wisdom and magnanimity of your high Mightinesses and of your inviolable attachment to the rights and liberties of mankind—and willing to testify our approbation of the regulations adopted by your high Mightinesses for protecting the freedom of Commerce and the Rights of nations—Have appointed the Hon<sup>ble</sup> John Adams Esqr late a Delegate in Congress from the State of Massachusetts bay and a member of the Council of said State, our minister plenipotentiary at your Court that he may give more particular assurances of the great respect which we entertain for your high Mightinesses and of our earnest desire to cultivate friendship and to enter into a treaty of Commerce with a power eminent for its wisdom justice and moderation on terms of equality and reciprocity—

We beseech your H. M. to give entire credit to everything which our said Minister shall deliver on our part especially when he shall assure you of the sincerity of our friendship.

We pray God to keep your H. M. in his holy protection

Done by the 13 united States of North America assembled in Congress at Philadelphia the            Day of



friendship of your Highness, and of the seven United Provinces of the Netherlands, who have ever distinguished themselves by an inviolable attachment to freedom and the rights of nations, have appointed the honourable John Adams, late a delegate in Congress from the State of Massachusetts, and a member of the council of that State, to be their minister plenipotentiary at your Court, that he may give you more particular assurances of the great respect they entertain for your Highness and for the people over whom you preside as Stadtholder. We beseech your Highness to give entire credit to every thing which our said minister shall deliver on our part, especially when he shall assure you of the sincerity of our friendship and regard. We pray God to keep your Highness in his holy protection.

Done at Philadelphia, &c.

Congress took into consideration the report of the committee on the petition from Thomas Lee and John Coffin Jones; and thereupon,

The Committee appointed to consider the petition of Thomas Lee and John Coffin Jones Report,

That it appears to your Committee that on the 13<sup>th</sup> day of January 1780, Messrs. Otis and Henley Agent Clothiers, under the Board of War, made a certain contract with the said Lee and Jones for a quantity of Clothing for the army. That the Board of War upon being informed thereof, declined confirming the Contract only from an apprehension that they should not be able to make payment; but advised that the matter should be laid before Congress. That Congress considered the same in ——— last and adopted the contract and ordered payment to be made accordingly. That the Contract has afforded a large supply of clothing for the army this winter. The time of payment has expired near six months ago. Messrs Otis and Henley became personally responsible and the Credit of Messrs. Lee and Jones as merchants is at stake.

Your Committee therefore submit the following resolution,

*Resolved*, That the Board of Treasury be, and hereby are directed to draw bills of exchange in favour of the said ~~Joseph Carleton paymaster to the Board of War~~ Lee and Jones, at six months sight, upon the Hon. John Adams, for the full amount of the balance, principal and interest, due on the contract made with them for a quantity of cloathing for the army, by Otis and Henly, in behalf of the United States, on the 13th January, 1780, to be delivered to the said Otis and Henly, and for which they are to be accountable.<sup>1</sup>

SIX O'CLOCK

*Resolved*, That a committee of three be appointed to confer with the supreme executive of the State of Pennsylvania, on the subject matter of the intelligence received this day.

The members, Mr. [John] Sullivan, Mr. [John] Wither-  
spoon and Mr. [John] Mathews.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 4, 1781

A letter, of December 8, from John Boreman; and

A letter, of November 29, from Doctor Forster to the Medical Committee, were read:<sup>3</sup>

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *Jan<sup>y</sup> 3<sup>rd</sup> 1781*

Present

Mr Peters, Gen<sup>l</sup> Ward, Gen<sup>l</sup> Cornell

The Board beg leave to inform Congress that they have for some time past been in the practice of drawing warrants on the Paymaster

<sup>1</sup> This report, in the writing of William Floyd, is in the *Papers of the Continental Congress*, No. 19, III, folio 523.

<sup>2</sup> A letter of December 20, 1780, from the Governor of Massachusetts, was read on this day, according to the indorsement. It is in the *Papers of the Continental Congress*, No. 65, I, folio 472.

<sup>3</sup> Boreman's letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 61; Foster's is in No. 78, IX, folio 491.

General in favor of officers who chance to be in the city, and as the Board find by experience, that this practice is the source of a variety of evils, they submit the following report.

*Ordered*, That the Board of War draw no warrants on the paymaster general, except for the invalid regiment, and the regiments of artificers in the department of the commissary general of military stores, until the farther order of Congress.<sup>1</sup>

The committee to whom was referred the memorial of Peter January delivered in a report; Whereupon,

The Committee to whom was referred the Memorial of Peter January beg leave to report

That they have received full satisfaction as to the character of Mr January and his attachment to the cause of America, as also to the truth of the facts set forth in his Petition and therefore propose the following Resolution.

*Resolved*, That a passport be given to Peter January to enable him to go to ~~Great Britain or~~ Ireland and to bring his property from thence to America, he finding security to engage in no trade further than what is necessary to the transportation of his property now in that kingdom.<sup>2</sup>

The committee on the letter from James McCombe delivered in a report, which, being read, was re-committed.

The Committee to whom was referred the letter of James McComb Clothier of the State of New Jersey, report the following resolution.

That the Treasury Board be directed to draw bills on        in favor of said James McComb to the amount of twelve hundred pounds

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 35.

<sup>2</sup> This resolution was also entered in the manuscript Secret (Domestic) Journal. The report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, III, folio 279.

sterling at            days sight for which the State of New Jersey is to be accountable.<sup>1</sup>

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *Jan<sup>y</sup> 4<sup>th</sup> 1781*

Present

Mr Peters Gen<sup>l</sup> Ward Gen<sup>l</sup> Cornell

The Board having received an application from Cornet Braymans praying leave to resign his commission and requesting a sum of money to enable him to return to France and it appearing that he has a balance due him of three hundred dollars of the new emissions for his pay and depreciation, the Board beg leave to report,

*Ordered*, That the resignation of Cornet Braymans, of Colonel Armand's corps, be accepted: that the Board of Treasury report a warrant in favour of Cornet Braymans, for three hundred dollars, of the new emissions, in full for his pay, depreciation, and every other claim he may have against the United States as an officer.<sup>2</sup>

Congress took into consideration the report of the Committee on the Post Office; Whereupon,

The Committee on the Post Office to whom was referred the letter [from] Mr. Bache, postmaster general, of the 16<sup>th</sup> inst. beg leave to submit the following resolution:

*Resolved*, That so much of the act of the 12th of December last, for regulating the Post Office, as directs "that for the future the pay of post-riders be double the sum they received

<sup>1</sup> This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 19, IV, folio 11. Another draft of the report, also in the writing of Jesse Root, undated, is in No. 36, IV, folio 497, as follows:

The Committee to whom was referred the letter of James McComb Clothier of the State of New Jersey Report That they have considered said letter—find that the line of the army belonging to that State are in distress for want of Cloathing and that the agent of said State Labors under particular difficulties in procuring the same immediately; thereupon submit the following resolutions viz:

That the Board of Treasury deliver to the Board of War Bills of Exchange on Dr<sup>l</sup> Franklin to the amount of twelve hundred pounds sterling to be applied to the purchasing of Clothing for this use and that the Board of War deliver to the said James McComb Clothing for the use of said State to the amount of the aforesaid sum as soon as the same be procured upon his paying for them to the Board of War.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 39.

before the present war," be suspended until further order of Congress.<sup>1</sup>

Congress took into consideration the report of the committee on the petition of M. M'Connell, &c. and others, under similar circumstances, wherein it is represented,

The Committee to whom was referred the petition of M'Connel Taggart, &c, with other cases under similar circumstances, Report—

That the resolution of the 25<sup>th</sup> of Feb<sup>r</sup> last referred to in the resolution of the 26<sup>th</sup> of August last respects only the prices at which the several States should be credited for the specific supplies exclusive of the cost of transportation—and doth not with Justice apply to individuals in all cases—

That the petitioners, in the summer past, had, in the vicinity of the army near West Point, a quantity of rum, &c. which they had transported thither at their own expence from a considerable distance; that by order of the commanding officer at West Point, some of the rum, &c. was received upon special contract, and some was taken without any particular contract, for the use of the garrison; that the price agreed for is no more than the current price at that time in that place, and not greatly exceeding the price fixed by the resolution of the 25 February, after deducting the charges of transportation: that cases such as these, being singularly circumstanced, ought not to be confined to the rule prescribed in the resolution of the 26 August: Whereupon,

*Resolved*, That the cases above referred to, and others under similar circumstances, where supplies have been furnished by individuals for the use of the army, upon particular contracts, be settled and paid agreeably to such contracts, making good the depreciation; and that where such supplies are taken without any particular contract, they be settled

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 61, folio 485. It was delivered December 22, 1780, as the indorsement shows.

and paid according to their just value, to be estimated by the current price of such articles at the time and place, when and where taken, with the depreciation, to be calculated in both cases by the rules established for that purpose.<sup>1</sup>

The committee appointed to confer with the managers of the Bank laid before Congress "An Account of the first payment received on the loan subscription":<sup>2</sup>

*Ordered*, That it be referred to the Board of Treasury to devise ways and means of repaying the same to the managers of the bank.

A letter from Abraham Skinner, with sundry papers, was read:<sup>3</sup>

*Ordered*, That the same be referred to a committee of three.

The members, Mr. [John] Sullivan, Mr. [Abraham] Clark, Mr. [William] Sharpe.

A report from the Board of War was read; Whereupon,

*Ordered*, That fifty thousand dollars of the old emissions be furnished to Colonel Miles, Deputy Quartermaster for the State of Pennsylvania, for the purpose of supplying Captain Brown, of Harrison's regiment of artillery, with monies to bear the extra expences of a number of waggons under his charge on their way to the southern army.<sup>4</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 19, IV, folio 13. A copy of the report from the Journal is in No. 42, VII, folio 414.

<sup>2</sup> This account is in the *Papers of the Continental Congress*, No. 34, folio 297.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 53, folio 149.

<sup>4</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 31.

A remonstrance of the Legislative Council and General Assembly of New Jersey, of January 3, against the sale of lands by Virginia was presented on this or an approximate date. It is in the *Papers of the Continental Congress*, No. 68, folio 565.

## FRIDAY, JANUARY 5, 1781

A letter, of 4, from John Wharton, one of the navy board of the middle district, was read, desiring leave to resign;

*Ordered*, That it be referred to the Board of Admiralty.

A letter, of 4, from John Sandford Dart, was read, accepting the office of auditor to the southern army.<sup>1</sup>

*Resolved*, That two members be added to the committee appointed on the 3d instant to confer with the supreme executive of the State of Pennsylvania, on the subject matter of the intelligence received that day; and that the said committee be instructed to act in concert with the said executive, and fully empowered to take such measures as may appear necessary to quiet the disturbances in the Pennsylvania line:

The members added, Mr. [Samuel John] Atlee and Mr. [Theodorick] Bland.

*Ordered*, That a warrant issue in favour of the committee aforesaid on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twenty-five thousand dollars, for defraying their expenses.

The committee to whom was re-committed their report on the letter of James McComb brought in another report; Whereupon,

*Resolved*, That bills of exchange on the minister plenipotentiary of these United States at the Court of Versailles for twelve hundred pounds sterling, payable at 90 days sight, be prepared by the Board of Treasury and delivered to the Board of War, and negotiated for purchasing under their direction cloathing for the Jersey line.<sup>2</sup>

*Resolved*, That a warrant issue on the treasury of the State of New Jersey in favour of John Pierce, deputy paymaster, for £2000 five thousand dollars of the new emissions

<sup>1</sup> Wharton's letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 293; Dart's letter is in No. 78, VII, folio 323.

<sup>2</sup> This resolution was also entered in the manuscript Secret (Domestic) Journal.

agreed to be advanced by the said State towards the pay of the army.

A letter, of 26 December, from P. Schuyler, was read:<sup>1</sup>  
*Ordered*, That it be referred to the Board of War.

The Committee to whom was referred the Petition of George Fisher late of the City of New York biscuit baker, Report.

That presuming that Congress intended by the resolutions of the 26<sup>th</sup> of August last to give relief to all who have furnished supplies for the war and who have suffered by the depreciation of the paper currency, as well on settled as unsettled accounts, your Committee are of opinion, That the Petitioner is entitled to the relief provided by the said resolution if upon a resettlement it shall appear that payments have not been duly made, and in order that all creditors on settled as well as unsettled accounts may be enabled to obtain such liquidations of their respective accounts as will enable them to avail themselves of the relief provided by the said resolutions of the 26<sup>th</sup> of August last, your Committee submit that it be,

*Resolved*, That all accounts of creditors to the United States who have furnished supplies for the Army, or for the transportation thereof which have been settled may be resettled agreeably to the rules laid down in the resolution of the 26<sup>th</sup> of August last, and that all such creditors whose accounts shall be so resettled be entitled to the relief provided by the said resolution.<sup>2</sup>

Congress took into consideration the report of the committee on the memorial of George Fisher, and it appearing that the said George Fisher served as a baker to the army of these States in the years 1777, 1778 and 1779, and in the course of his business borrowed large sums of money to purchase flour which he baked into bread and delivered to the army; that, upon the settlement of his accounts with the commissary in December, 1779, he was allowed only the nominal sums advanced by him as aforesaid, which he re-

<sup>1</sup> The report on McComb's letter, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, IV, folio 9. Schuyler's letter is in No. 153, III, folio 589.

<sup>2</sup> This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 19, II, folio 281.



ceived in May, 1780; and that the sums borrowed and applied as aforesaid are still due and must be paid according to the value at the time of borrowing them, making good the depreciation; Whereupon,

*Resolved*, That the settlement of the accounts of George Fisher aforesaid be revised and settled by the commissary according to the resolution of the 26 of August last.<sup>1</sup>

The committee to whom were referred the letter of Abraham Skinner, commissary of prisoners, and other papers relative to the treatment of prisoners in the hands of the enemy, delivered in a report as follows:

“That notwithstanding every effort of Congress to obtain for our people, prisoners in the hands of the enemy, that treatment which humanity alone should have dictated, the British commanders, unmindful of the tenderness exercised towards their men, prisoners in our hands, and regardless of the practice of civilized nations, have persisted in treating our people, prisoners to them, with every species of insult, outrage and cruelty. Officers and men are indiscriminately thrown into the hold of prison-ships and into loathsome dungeons, and there deprived of fuel and the common necessities of life, by which means many of the citizens of these states have been compelled to enter into their service, to avoid those distresses which a conduct so contrary to the law of nations had brought upon them. Our seamen taken upon the American coast, have been sent to Great Britain, and other parts beyond seas, to prevent their being exchanged, or to force them to take arms against their native country: that in the opinion of the committee, an exercise of the law of retaliation has become necessary, as a justice

<sup>1</sup> This and the preceding paragraph are based upon a report in the writing of Jesse Root, in the *Papers of the Continental Congress*, No. 19, II, folio 285. A copy, as an extract from the minutes, is in No. 138, I, folio 479.

due to those citizens of America whom the fortune of war has thrown into the power of our enemy; Whereupon,

*Resolved*, That copies of the letter of Mr. A. Skinner, and the other papers referred, be transmitted to the Commander in Chief, and that he be directed to enquire into the manner in which our people who are prisoners, are treated by the enemy, and that he give immediate orders to the commanding officers at the different posts to take particular care that the British prisoners receive the same allowance and treatment, in every respect, as our people, who are prisoners, receive from the enemy.

~~Resolved, That it be recommended to the several and respective executives to confine all British sea officers and seamen in prison ships or in common goals and order them the same allowance of provisions and the same treatment in every respect as our sea officers and seamen receive from the British.~~

*Resolved*, That it be recommended to the respective executives to take effectual measures for carrying into execution the act of Congress of the 13<sup>th</sup> of January, 1780, respecting prisoners taken by the ~~subjects~~ citizens, troops or ships of particular states:

That the Board of Admiralty issue orders not to exchange ~~any British sea officer or seaman, until the enemy shall have returned to some of their garrisons in America, such seamen as they have taken upon the American coast, and sent to Great Britain, or other parts beyond sea: and that the Board of War and Board of Admiralty give orders for continuing the treatment of prisoners as herein directed, until they receive orders to the contrary from Congress or the Commander in Chief.~~<sup>1</sup>

*Ordered*, That two members be added to the committee appointed to report a proper compensation to the staff of

<sup>1</sup> This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, V, folios 337 and 339.

the army in consequence of the depreciation of the currency, in the room of Mr. [Samuel] Holten and Mr. [Nathaniel] Peabody, who are absent.

The members chosen, Mr. [James] Duane and Mr. [Jesse] Root.

The delegates for Massachusetts laid before Congress instructions from their constituents: <sup>1</sup>

*Ordered*, That the same be referred to the foregoing committee.

A memorial of Captain John Williamson was read: <sup>2</sup>

*Ordered*, That it be referred to the Board of War to take order.

The Commercial Committee to whom was referred the letter of Baron d'Arendt to Congress, report as follows,

That they have had the same under consideration, and that from Baron d'Arendt's assurances, as well as from authentic testimonials, they have every reason to conclude he is relied upon by the Court of Berlin for informations, respecting the trade and productions of these United States; with a view to discover how far the subjects of the king of Prussia might derive benefit from a commercial intercourse with us.

That altho' the points he hath submitted to your Committee may be considered rather as questions respecting the ordinary channels and modes of commerce, or matter connected therewith, capable of answer by private enquiry than as propositions for the judgment and determination of Congress. Yet they are of opinion it will appear, from the nature of Baron d'Arendt's agency, that the king of Prussia has evidenced an attention to the affairs and circumstances of America which as it may lead to important consequences, should not be suffered to pass by unnoticed. They therefore submit the following resolutions.

*Resolved*, That Congress approve of Baron d'Arendt's collecting the best information possible respecting the trade of America, and the best mode of opening and carrying on commerce between the citizens of these United States and the subjects of his Prussian Majesty. *Resolved*, That Congress do in the name of these United

<sup>1</sup> These instructions are in the *Papers of the Continental Congress*, No. 65, I, folio 468.

<sup>2</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, X, folio 534.

States, publish and declare that it is their sincere desire to cultivate universal peace and friendship, and to promote a mutual exchange of the blessings of Commerce with all nations upon principles of justice, equality and reciprocal advantage.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

**SATURDAY, JANUARY 6, 1781**

A letter, of 4, from Major General St. Clair, and  
A letter, of 5th, from his excellency, J. Reed, were read.<sup>2</sup>  
A letter from the Board of War was read; Whereupon,

AT A BOARD OF WAR *Jan<sup>y</sup> 5<sup>th</sup> 1781*

Present Mr Peters.

Gen<sup>l</sup> Cornell

The Board having considered the last paragraph of the enclosed letter from Gen<sup>l</sup> Washington, beg leave to report:

*Resolved*, That Ignatius Penet be appointed a lieutenant in Colonel Armand's partizan corps.<sup>3</sup>

A letter, of this day, from the Board of War, was read, which being referred to a committee, the said committee brought in a report; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of the commissary general of military stores, for fifty thousand dollars of the old emissions, to be applied as the Board of War shall direct, for which the said commissary general is to be accountable.<sup>4</sup>

The committee to whom was referred the letter of December 11<sup>th</sup>, from J. Pearce, delivered in a report, which was read, and, after debate,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 19, II, folio 11. The indorsement says, "Read Jan<sup>y</sup> 5, 1781. Postponed; it being judged improper for Congress to give any answer on the subject to Baron d'Arendt."

<sup>2</sup> St. Clair's letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 439; Reed's is in No. 69, II, folio 323.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 43.

<sup>4</sup> This report is in the *Papers of the Continental Congress*, No. 29, folio 195. The Board of War's letter is in No. 147, VI, folio 47.

The Committee to whom was referred the letter from Mr J. Pierce, Deputy Pay Master Genl report it as their opinion, that the said Letter be referred to the Board of Treasury.<sup>1</sup>

*Ordered*, That the farther consideration thereof be postponed, to be taken up on Monday next.

*Ordered*, That four members be added to the committee appointed to report a plan for the revision and new arrangement of the civil executive departments of the United States under Congress.

The members, Mr. [James] Duane, Mr. [Thomas] Burke, Mr. [Thomas] McKean, Mr. [James Mitchell] Varnum.

*Resolved*

That it be recommended to the Commander in Chief to appoint and send in to New York a Commissary of Prisoners as soon as possible, and that the Quarter Master General take the proper measures for notifying the several States of such appointment by having the same inserted in the Publick Prints;

*Resolved* That it be recommended to the Executives of the States respectively who have officers prisoners with the enemy at New York or on Long Island to send in to the care of our Commissary of Prisoners there, a sufficient sum in specie to defray the expence of their Officers' maintenance while in captivity and charge the same to account of the United States. And that where any State cannot conveniently procure specie, they be permitted to send in the following articles viz:

Lumber, Boards, Scantling, Iron, Hemp, Pitch and Tar—to be consigned to our Commissary of Prisoners or agent at the place.<sup>2</sup>

Adjourned to 10 o'Clock on Monday.

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, V, folio 179.

<sup>2</sup> This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, VI, folio 335. It was a report on letters of General Washington, Brigadier Irvine, and Colonels Mathews and Ely; it was read January 6, and was referred, the indorsement says, to Madison, Montgomery and Root. See *ante*, December 18, 1780, and *post* January 8.

A letter of this day from the Board of War, giving an account of the bills of exchange that have passed through their paymaster's hands, was read, as the indorsement indicates. It is in the *Papers of the Continental Congress*, No. 147, VI, folio 51.

MONDAY, JANUARY 8, 1781

A memorial from John Macpherson was read.

A memorial from John Henderson, in behalf of O. Pollock, was read.<sup>1</sup>

*Ordered*, That the consideration of the report of the committee on Mr. Henderson's former memorial be taken into consideration to Morrow.

A letter, of 7th, from the committee appointed to confer with the supreme executive of Pennsylvania was read.<sup>2</sup>

A report of the Board of Treasury on the letter, of 2, from A. Lee, esq<sup>r</sup>, was read:

*Ordered*, That the same, together with the report of the chamber of accounts on Mr. Lee's account, be referred to a committee of three.

The members, Mr. [Abraham] Clark, Mr. [Thomas] Burke, Mr. [Isaac] Motte.

On motion of Mr. [Abraham] Clark,

*Ordered*, That the resolution on the report of the committee on the memorial of Mr. McConnel, passed the 4<sup>th</sup> instant, be reconsidered, and the words, "to be calculated in both cases by the rules established for that purpose", contained in the said resolution, be cancelled.

*Ordered*, That the warrant drawn, the 2<sup>d</sup> December last, on the treasurer, in favour of Captain Joseph Traversie, for one thousand six hundred and twelve dollars and nine ninetieths and  $\frac{3}{4}$  of a ninetieth, in bills of credit emitted pursuant to the act of the 18<sup>th</sup> March last, be cancelled and in lieu thereof a warrant drawn on Thomas Smith, commissioner of the continental loan office in the State of Pennsylvania, for a like sum in favour of Captain Joseph Traversie, for the purpose mentioned in the warrant aforesaid.

<sup>1</sup> Macpherson's memorial is in the *Papers of the Continental Congress*, No. 41, VI, folio 207; Henderson's is in No. 41, IV, folio 165.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 447.

A letter, of 22 December last, from the governor of the State of Massachusetts, was read, with sundry papers enclosed:<sup>1</sup>

*Ordered*, That the same be referred to a committee of three.

The members, Mr. [Samuel] Adams, Mr. [James] Duane, Mr. [Thomas] Burke.

A letter, of 2, from General Washington, was read.<sup>2</sup>

A report from the Board of War was read; Whereupon,

*Ordered*, That the resignation of Lieutenant Henry Stroop, of Colonel Flower's regiment of artificers, be accepted.<sup>3</sup>

*Resolved*, That Colonel Broadhead be informed, that it will be agreeable to Congress to receive the visit proposed to be made to them by some of the friendly Delaware Indians in the spring, as mentioned in his letter of the 7th of last month to the Board of War:

That Colonel Broadhead be also informed, that Congress will support, as far as their abilities will permit, such of the Indians of the Delaware tribe, as shall voluntarily engage in the service of the United States against the common enemy.<sup>4</sup>

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of Mr. [William] Floyd, a delegate from the State of New York, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twelve thousand dollars, for which the said State of New York is to be accountable:

In compliance with a resolution of Congress of the 25<sup>th</sup> September last

The Board report as their opinion,

<sup>1</sup> The letter and papers are in the *Papers of the Continental Congress*, No. 65, I, folios 480-500.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 425. It is printed in the *Writings of Washington* (Ford), IX, 85.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 67.

<sup>4</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 59.

That John L. Clarkson and Cornelius Comegys Clerks in the Treasury Office have and receive a salary at the rate of five hundred dollars per annum paid quarterly in specie or other current money equivalent<sup>1</sup>

That on the application of Richard Philips, steward to the President of Congress, a warrant issue on Thomas Smith, commissioner of the continental loan office for the commonwealth of Pennsylvania, in his favour, for fifteen thousand dollars, for the use of the President's household, and for which the said steward is to be accountable:

That on the application of John L. Clarkson, clerk to the Board of Treasury, a warrant issue on the treasurer in his favour for eight thousand dollars old emissions, in part of the salary now due him, and for which he is to be accountable:

That on the application of Patrick Ferral, a clerk in the auditor general's office, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for one hundred and fifty dollars new emission, in part of the salary now due to him, and for which he is to be accountable:<sup>2</sup>

TREASURY OFFICE *January 5, 1780*[1]

The Board of Treasury have considered the memorial from Major C. Holmer to the Delegates of Virginia read in Congress Jan<sup>y</sup> 3<sup>rd</sup> and referred to the Board to take order.

The Board have no doubt of the justness of Major Holmer's claim, but consider it entirely out of their line of duty to determine whether money ought or not to be advanced to the Major. In the opinion of this Board this Memorial would have come properly under the consideration of the Board of War, but if it be the pleasure of Congress to consider this a particular case and choose to make the Major an advance, the Board submit the following resolution.

That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 13.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 5.



favour of John Pierce, deputy paymaster general for the main army, for two hundred and sixty-six dollars in the bills of credit emitted pursuant to the act of Congress of the 18<sup>th</sup> of March last, to enable the said deputy paymaster general to advance that sum to Major C. Holmer, and for which the said John Pierce is to be accountable: 1192610

JANUARY 7<sup>th</sup>, 1781

The Board beg leave to lay before Congress the report of the Chamber of accounts and the Auditor General on the accounts of the honble Arthur Lee Esq. late Minister of the United States at the Court of Versailles &c, upon which the Board, in consequence of the Letter of the said Mr Lee of the 2<sup>nd</sup> inst to the President of Congress referred to the Board: beg leave to make the following observations and beg to receive the directions of Congress thereon. That with respect to the acknowledgement of Mr Lee of the sum of 375,000 Livres some accounts must be instituted and credited in the books at the Treasury, and thus it seems for the reasons assigned by Mr Lee can only be declared by Congress.

That to comply with the rules laid down in the Treasury for the liquidation of accounts the accountant ought to produce the authority by which he acted and the vouchers to support his account: therefore to dispense with these requisites in the present instance it will be necessary that Congress should give directions.

Pursuant to an order of Congress of the 4<sup>th</sup> instant the Board report,

That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Cornet Brayman, for three hundred dollars of the new emissions, in full for his pay, depreciation and every other demand he may have against the United States as an officer:<sup>1</sup>

TREASURY OFFICE Jan<sup>y</sup> 2<sup>nd</sup> 1781

The Board of Treasury having considered a letter from Cha<sup>s</sup> Pettit Esq Ass<sup>t</sup> Quarter Master General dated Dec<sup>r</sup> 22<sup>nd</sup> 1780 (herewith transmitted to Congress) beg leave to report the following resolution.

*Resolved*, That for the prevention of frauds and abuses injurious

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 9.

to the public interest in settling the rate of depreciation by the persons empowered to examine and adjust accounts in pursuance of the Acts of the 18<sup>th</sup> of March and 26<sup>th</sup> of August last the value of the Continental bills of credit, compared with specie at the time the money became due, at the place where the supplies were furnished shall be ascertained according to the table of depreciation, as settled by the resolution of Congress of the 28<sup>th</sup> of June last.

The Board having taken into consideration a letter from John Lloyd dated Nov<sup>r</sup> 10<sup>th</sup> 1780 (referred to them by Congress) beg leave to report.

That the account referred to in the said letter was under consideration of the Board and reported upon to Congress on the 23<sup>rd</sup> day of March 1780 in the following words, "That the account of John Lloyd appears to be for purchases made in the Department of the late Joseph Trumbull late Commissary General: That the accounts of the said Department are not yet finally settled, and therefore it cannot appear whether any balance is due from the United States thro' the same. That on mature reflection they are of opinion that payment of particular balances due from the Department of the late Commissary General Joseph Trumbull, ought to be deferred until the final adjustment of the accounts of the Department, notwithstanding the late report of the Board for the payment of a balance due to Mr Fisher.<sup>1</sup>

*Ordered*, That so much of the report of the Board of Treasury as relates to the letter of C. Pettit, A. Q. M. G., dated 22 December, together with the said letter, be referred to a committee of three.

The members, Mr. [George] Clymer, Mr. [Samuel] Johnston, Mr. [Jesse] Root.

The Board of War, to whom was referred the letter of 15 November from the governor of New York, with the letter from Colonel Malcolm enclosed, delivered in a report; Whereupon,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 199; a copy of the portion relating to Chas. Pettit is on folio 15, and Pettit's letter, of December 22, 1780, is on folio 17.

AT A BOARD OF WAR *Jan<sup>y</sup> 2<sup>d</sup> 1781*

Present Mr Peters

Gen<sup>l</sup> Cornell

The Board having considered the letter of Gov<sup>r</sup> Clinton of Nov<sup>r</sup> 15<sup>th</sup> and the letter from Col Malcolm enclosed therein, which were referred to them, beg leave to inform Congress.

That it appears to the Board that in the Spring 1779, the regiments of Spencer and Malcolm, two of the sixteen additional regiments were consolidated, but the field officers of the line of additional, so far as appears to the Board were not in every instance arranged. The Commander in Chief recommended to Colonels Spencer and Malcolm to accommodate with each other, so as to settle who should take the command of the regiment, but no agreement between Colonels Spencer and Malcolm appears. Col Spencer was in the actual command, and so continued 'till the last arrangement, and Col Malcolm retired unwillingly from actual duty in the line, having occupied himself during the period of his discontinuing the command in the line some times in performing the duty of Adjutant General of the Northern Army and sometimes commanding Militia of the State of New York, under his Continental Commission which does not appear to be superseded by any positive act; but on the contrary by resolve of the 19<sup>th</sup> of June 1778, it is determined, "That Col William Malcolm D<sup>e</sup> Adjutant Gen<sup>l</sup> in the Army now under Gen<sup>l</sup> Gates, be permitted to hold his rank in the Army and his regiment if the same shall be kept up in the new arrangement now making." Whether or not his holding the rank without the regiment entitles him to pay, Congress will be pleased to determine. Should they be of opinion that he is entitled to pay and rank, it will then in the opinion of the Board be proper to resolve.

That Col William Malcolm be permitted to retire from the service of the United States, and receive all the benefits to which Officers of his rank are entitled by any resolution of Congress on retiring from service.

If on the contrary Congress should be of opinion that the rank only was continued, they will please to resolve—

*Resolved*, That, in the opinion of Congress, Colonel William Malcolm cannot be considered as entitled to pay and subsistence as a colonel in the service of the United States, longer than he held the actual command of his regiment; and that

he be recommended to the executive of the State of New York as a meritorious officer, who, from the impracticability of employing him in the army, is to be deemed a supernumerary under the resolution of Congress of the 24 day of November, 1778.

And whereas Colonel Malcolm has been employed, after his leaving his regiment, on sundry occasional services:

*Resolved*, That it be referred to the executive of the State of New York to settle and adjust his pay during the time of such services, and charge the same to the United States.<sup>1</sup>

The committee, to whom was referred the report of a committee on letters from General Washington, &c of December 8, delivered in a report; Whereupon,

*Resolved*, That it be earnestly recommended to the states, from New Hampshire to North Carolina, inclusive, to procure and forward to the treasurer of the United States, or to their commissary of prisoners, appointed to reside at New York, by the 1st day of March next, for the use of the officers in captivity at that place, and on Long Island, and to be charged to the United States, the following sums respectively, in specie, or bills of exchange on New York, viz.

New Hampshire, -	2,319 dollars.	Delaware, - -	987 dollars.
Massachusetts, -	13,334 do.	Maryland, - -	9,159 do.
Rhode Island -	1,160 do.	Virginia, - -	14,492 do.
Connecticut, -	9,855 do.	North Carolina, -	5,796 do.
New York, - -	4,347 do.		
New Jersey, -	5,217 do.		80,000 dollars.
Pennsylvania, -	13,334 do.		

~~*Resolved* that it be permitted to such of the said States as cannot provide their respective proportions within the limited time in specie or bills as aforesaid, to export to New York lumber, boards, scantling, iron, hemp, tar or pitch to be consigned to the American commissary of prisoners sending them in sufficient quantity to procure the same.~~

<sup>1</sup> A copy of these resolutions, as an extract from the minutes, is in the *Papers of the Continental Congress*, No. 78, XVI, folio 387. The report is in No. 147, VI, folio 69.

~~That to prevent a repetition of the distresses to which the want of specie has exposed the officers of the United States in captivity it be further recommended to the States above named to procure and transmit to the Treasurer of the United States half yearly during the war reckoning from the first day of March next, the sum of ——— dollars in specie in the proportions above assigned; the same to be credited to the said states respectively.~~<sup>1</sup>

Congress took into consideration the report of the committee on the memorial of W. Peck, and, after debate, the same was set aside by the previous question.

Congress proceeded to the election of an adjutant general, and, the ballots being taken, Brigadier General Hand was elected.

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, JANUARY 9, 1781

A letter, of December 14, 1780, from Governor Nash, was read.

A letter, of 8<sup>th</sup>, from Captain A. McLane, was read; Whereupon,

*Ordered*, That a warrant issue in favour of Captain A. McLane, on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for the sum of ten thousand dollars, to be charged to the State of Maryland, and for which the said State of Maryland is to be accountable.

A letter, of this day, from the Board of War, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three.

The members, Mr. [Thomas] Bee, Mr. [Samuel] Adams, Mr. [Joseph] Montgomery.

A report from the Board of Treasury was read; Whereupon,

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 19, VI, folio 329.

<sup>2</sup> Nash's letter is in the *Papers of the Continental Congress*, No. 72, folio 115; McLane's is in No. 78, XVI, folio 121; that of the Board of War is in No. 148, I, folio 269.

*Ordered*, That on the application of Mr. [James] Duane, a delegate for the State of New York, a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in his favour, for fifteen thousand dollars old emissions, for which the said State of New York is to be accountable:

That on the application of William Kinnan, copper plate printer to the United States, a warrant issue in his favour on Thomas Smith, commissioner aforesaid, for eight thousand dollars old emissions, part of the salary due to him and for which he is to be accountable.<sup>1</sup>

Congress took into consideration the report of the committee on the letter of 6 December last, from the president and supreme executive of Pennsylvania; Whereupon,

*Resolved*, That the president and supreme executive council of the State of Pennsylvania be informed, that Congress have paid due attention to their letter of the 6 December last, stating "a high abuse of office, committed by James Mease, late clothier-general, and William West, jun., his deputy or appointee: who, in conjunction with Major General Arnold, did, under colour of office, in the year 1778, take from sundry inhabitants of this city, great quantities of merchandise, not necessary for the army, which were converted to their private emolument:"

That Congress highly disapprove such conduct, and consider it as a flagrant abuse of office and of the public confidence reposed in them, and meriting exemplary punishment; and,

That it be recommended to the said president and supreme executive of the State of Pennsylvania, to direct the attorney general of the said State to prosecute the said James Mease and William West, jun., in the name of the United States,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 23.

in the ordinary course of law, for the abuse of office and breach of trust complained of.<sup>1</sup>

Congress resumed the consideration of the report on the letter from J. Pierce; Whereupon,

*Ordered*, That the said letter be referred to the Board of Treasury.

Congress took into consideration the report of the committee on the memorial of J. Henderson, and, after debate:

*Ordered*, That it be referred to the Committee of Commerce.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 10, 1781

A letter, of 7<sup>th</sup>, and one, of 8<sup>th</sup>, from the committee appointed to confer with the supreme executive of Pennsylvania;

And a letter, of 8<sup>th</sup>, from Brigadier General Wayne and Colonels Butler and Stewart, were read, with sundry papers enclosed.<sup>2</sup>

A letter, of this day, from Baron d'Arendt, was read.<sup>3</sup>

The committee to whom was referred the correspondence between his excellency, Count de Vergennes, and the hon<sup>ble</sup> J. Adams, delivered in a report; Whereupon,

Congress agreed to the draught of a letter to Mr. Adams.

The committee, to whom was referred the correspondence between his Excellency the Count de Vergennes and the honble John Adams, relative to the communication of the plenipotentiary powers of the

<sup>1</sup>This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 20, II, folio 137. It was delivered Dec. 18, 1780.

<sup>2</sup>The committee letter of the 8<sup>th</sup> is in the *Papers of the Continental Congress*, No. 152, IX, folio 455; one of the 9<sup>th</sup> was also read; it is on folio 461. Wayne, Butler, and Stewart's letter is in No. 152, IX, folio 473.

<sup>3</sup>A translation of this letter, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 43, folio 9. The letter is in No. 78, VII, folio 331.

latter, reported the draught of a letter, which was agreed to in the words following:

SIR,

Congress consider your correspondence with the Count de Vergennes on the subject of communicating your plenipotentiary powers to the ministry of Great Britain, as flowing from your zeal and assiduity in the service of your country; but I am directed to inform you, that the opinion given to you by that minister relative to the time and circumstances proper for communicating your powers, and entering upon the execution of them, is well founded. Congress have no expectations from the influence which the people of England may have on the British councils, whatever may be the dispositions of that nation or their magistrates towards these United States; nor are they of opinion that a change of ministers would produce a change of measures: they therefore hope that you will be very cautious of admitting your measures to be influenced by presumptions of such events, or their probable consequences.

I am, Sir,

Your humble Serv<sup>t</sup>

S. HUNTINGTON, *President*.<sup>1</sup>

HONBLE J. ADAMS.

Congress took into consideration the report of the committee appointed to consider and report a plan for the Department of Foreign Affairs, wherein they state,

"That the extent and the rising power of these United States entitle them to a place among the great potentates of Europe, while our political and commercial interests point

<sup>1</sup> This letter was entered only in the manuscript Secret Journal, Foreign Affairs. It is in the *Papers of the Continental Congress*, No. 25, I, folio 409, in the writing of Charles Thomson.

From this point to the end of the day the proceedings were entered also in the Secret Journal, Foreign Affairs.



out the propriety of cultivating with them a friendly correspondence and connection:

That to render such an intercourse advantageous, the necessity of a competent knowledge of the interests, views, relations, and systems of those potentates, is obvious:

That a knowledge, in its nature so comprehensive, is only to be acquired by a constant attention to the state of Europe, and an unremitted application to the means of acquiring well grounded information:

That Congress are moreover called upon to maintain with our ministers at foreign courts a regular correspondence, and to keep them fully informed of every circumstance and event which regards the public honor, interest, and safety:

That to answer those essential purposes, the committee are of opinion, that a fixed and permanent office for the Department of Foreign Affairs ought forthwith to be established, as a remedy against the fluctuation, the delay and indecision to which the present mode of managing our foreign affairs must be exposed"; Whereupon,

~~That your Committee are further of Opinion that the most effectual mode of conducting the Business of the Department for foreign affairs woud be thro' a Minister vested with Confidential powers after the Example of other nations, responsible for his Trust and under the immediate Direction of Congress.~~

~~That there are however obstacles to be apprehended which may retard the Introduction of such a plan; and as a provision which can be carried into immediate practice is indispensably necessary, your Committee therefore submit the following Resolution:~~

*Resolved*, That an office be forthwith established for the Department of Foreign Affairs, to be kept always in the place where Congress shall reside:

That there shall be a secretary for the despatch of the business of the said office, to be stiled "Secretary for foreign affairs:"

That it shall be the duty of the said secretary to keep and preserve all the books and papers belonging to the Depart-

ment of Foreign Affairs; to receive and report the applications of all foreigners; [to correspond with the ministers of the United States at foreign courts, and with the ministers of foreign powers and other persons, for the purpose of obtaining the most extensive and useful information relative to foreign affairs, to be laid before Congress when required; also to transmit such communications as Congress shall direct, to the ministers of these United States and others at foreign courts, and in foreign countries;] the said ~~minister~~ secretary shall have liberty to attend Congress, that he may be better informed of the affairs of the United States, and have an opportunity of explaining his reports respecting his department; [he shall also be authorized to employ one or, if necessary, more clerks to assist him in the business of his office; and the secretary, as well as such clerks, shall, before the president of Congress, take an oath of fidelity to the United States, and an oath for the faithful execution of their respective trusts.]

~~That a Committee of Congress consisting of three members of whom the president shall always be one shall have the superintendence and direction of the Department of foreign affairs and that the~~  
 Negatively ~~Secretary for foreign affairs shall be subject to their Instructions and Submit all his correspondence and proceedings to their Inspection.~~<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

#### THURSDAY, JANUARY 11, 1781

Two letters, of 10<sup>th</sup>, from the committee appointed to confer with the supreme executive of Pennsylvania; and one, of 7<sup>th</sup>, from Major General St. Clair, were read:

*Ordered*, That the letter from the committee be referred to a committee of three.

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 25, I, folio 311, and was delivered June 12, 1780. The portions in brackets were not in the report, but were added during the debate.

The members, Mr. [James] Duane, Mr. [James] Lovell, Mr. [Thomas] Burke.

A letter, of 31 December, from E. Blaine, was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three.

The members, Mr. [Joseph] Montgomery, Mr. [Abraham] Clark, Mr. [James] Duane.

A memorial from Lieutenant Colonel Fleuri was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

A report from the Board of Treasury, on the letter of J. Pierce, was read:

TREASURY OFFICE *January 10, 1781.*

The Board of Treasury represent for the Information of Congress—

That from the Entries in the Treasury Books it appears that a Balance is due from the Respective States upon the Monthly Tax of fifteen Million of Dollars per month; to the month of February, 1780, inclusive 42,491,284 $\frac{1}{2}$  Dollars as will more particularly appear by the Paper herewith sent, wherein the separate balances are particularly specified; as a part of these Balances three Warrants have been drawn in favor of the Commissary General of Purchases in Consequence of a Resolution of Congress of the 26<sup>th</sup> of August last. One on the Treasurer of the State of New Jersey for 281,435 Dollars—one on the Treasurer of the State of New York for 647,810 Dollars—and one on the Treasurer of the State of Pennsylvania for 268,049 $\frac{3}{4}$  dollars, none of which warrants are paid as this Board believe, and therefore it is considered the balance stated above is due.

That from any information received from the respective Treasurers of the different States, it is not probable that any more money will be brought in, in Discharge of their Quotas aforesaid up to the first of March last in the old money.

The Board also lay before Congress another Paper which will shew the whole amount of the four Tenths of the Money of the 18 of March subject to the order of Congress and the amount of the Warrants already drawn as a part of that money.

The Board have not received any information from the Loan officer of the State of New Hampshire and can't say that the new

<sup>1</sup> One Pennsylvania letter of 10<sup>th</sup> is in the *Papers of the Continental Congress*, No. 20, II, folio 97; the other is in No. 152, IX, folio 465; St. Clair's letter is in No. 152, IX, folio 451; Blaine's letter is in No. 165, folio 331.

<sup>2</sup> This memorial is in the *Papers of the Continental Congress*, No. 147, VI, folio 135.

Bills are in circulation. The Loan officer of the State of Massachusetts informs that on the 10<sup>th</sup> of November last the Treasurer had drawn from him 300,000 dollars in the new Bills. No information from the Loan officer of Rhode Island. No information from the Loan officer of Connecticut. The Loan officer of the State of New York has sent forward to the Treasurer 600,000 Dollars in Cancelled bills. The Loan officer of New Jersey has sent forward to the Treasurer 1,180,872 $\frac{3}{8}$  Dollars in Cancelled Bills.

The Treasurer of Pennsylvania has not taken into the Loan office of that State any money to Exchange as this Board is informed by the Loan officer.

The Loan officer of Maryland has sent forward one hundred and fifteen thousand dollars old Emissions to be destroyed.

No information has been received from the Loan officer of Virginia.

The Board upon the Letter of John Pierce D<sup>y</sup> P<sup>y</sup> Mas<sup>r</sup> General of the 11 of December (referred to them by Congress) beg leave further to Report,

That there are no resources they know of by which the sum of three Millions one hundred and Twenty six thousand Seven hundred and Eighty dollars can be raised within a Short time, but from the disposal of Bills of Exchange on the Ministers in Europe if Congress shall incline to adopt that measure.

That in regard to the further sum of eight hundred seventy six thousand one hundred and fifty dollars in the new Emissions to discharge the Pay of the army from the first of August to the 31 of December last, they can only propose Warrants to be drawn on the several Loan offices in such proportions as may be most likely to be answered in the shortest time; at present the Board have no knowledge of any sum of Consequence but in the State of Massachusetts Bay.<sup>1</sup>

*Ordered*, That the same be referred to the committee on Mr. Blaine's letter, and that two members be added to the committee.

The members added, Mr. [Samuel] Adams, Mr. [James Mitchell] Varnum.

The Board of Admiralty, to whom was referred the letter of J. Wharton, delivered in a report; Whereupon,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 34, folio 123.

ADMIRALTY OFFICE Jan.<sup>y</sup>. 9<sup>th</sup> 1781.

The Board of Admiralty to whom the letter of John Wharton Esq<sup>r</sup> to the Honorable the Congress of the 4<sup>th</sup> Instant respecting his resignation is referred beg leave to report—

That it is not without regret they find themselves called upon to attend to the proposed resignation of M<sup>r</sup> Wharton who hath been so long, and so diligent a member of the Navy Board, but in compliance with their duty they would observe, that as from his first appointment he hath been principally employed in that branch of the business, which respects the equipping and fitting out ships, they cannot conceive that he ought to be constrained to keep his seat at that Board for the purpose of settling its accounts, and therefore they submit to Congress this Resolution.

*Ordered*, That the resignation of John Wharton be accepted.

And whereas the business of the Navy Board, by its present constitution cannot proceed, in case M<sup>r</sup> Wharton's resignation should be accepted, unless a member should be chosen in his room, or the only present member James Reed Esq<sup>r</sup> be clothed with authority to conduct the same, and as from the information of M<sup>r</sup> Reed, it appears to be altogether impracticable for him to settle the accounts of the Navy Board without a suitable Clerk, the Board of Admiralty therefore, provided that the foregoing Resolution should be agreed to by Congress, and they should not think it proper to appoint a member in the room of M<sup>r</sup> Wharton, beg leave to submit the following Resolution.

*Resolved*, That James Reed be, and he is hereby invested with full powers for conducting the business of the navy board in the middle department, until the further order of Congress, and that he be empowered to hire a competent clerk for the purpose of assisting him in settling the accounts of that Board.<sup>1</sup>

*Resolved*, That Monday next be assigned for electing a director ~~general~~ of the hospital, and a paymaster general to the army.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 37, folio 455.

Doctor J. Cochran was nominated by Mr. [James Mitchell] Varnum for the office of director ~~general~~;

Doctor Brown, by Mr. [Joseph] Montgomery;

Dr. Craig, by Mr. [Abraham] Clark.

A letter, of the 8<sup>th</sup>, from John Sandford Dart, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of Treasury.

For the office of paymaster general were nominated:

William Geddes, by Mr. [Joseph] Montgomery;

J. Pierce, by Mr. [James Mitchell] Varnum.

Adjourned to 10 o'Clock to Morrow.

#### FRIDAY, JANUARY 12, 1781

A letter, of 11, from the committee appointed to confer with the supreme executive of Pennsylvania, was read.<sup>2</sup>

A letter, of 6<sup>th</sup>, from Lotbinier, was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 28 December, from Thomas Barclay, and

A letter, of 16, from Samuel Beall, were read:<sup>4</sup>

*Ordered*, That the requests contained in the said letters be granted, under proper restrictions.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of Cha Thomson, secretary of Congress, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twenty thousand dollars old emissions, part of the salary due to him, and for which he is to be accountable:

That on the application of Ezekiel Forman, one of the commissioners of the Board of Treasury, a warrant issue in

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 327.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 469.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 405.

<sup>4</sup> Barclay's letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 69; Beall's is in No. 78, IV, folio 261.

his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for ten thousand dollars old emissions, part of the salary due to him, and for which he is to be accountable:<sup>1</sup>

TREASURY OFFICE *Jan<sup>y</sup> 12<sup>th</sup> 1781*

The Board of Treasury having considered the letter of John Sandford Dart of the 8<sup>th</sup> instant (referred to them by Congress) beg leave to report,

That the Claims upon the United States for Articles furnished and services performed, so far exceed the present Resources that are in the Power of Congress to call forth and especially at this Juncture, that the Board cant consistent with their Ideas of Justice, report the advance asked for by Mr Dart but submit the Determination of this matter to Congress who can best judge of the necessity of the measure.<sup>2</sup>

That a warrant issue on the said Thomas Smith, in favour of John Sandford Dart, for fifteen thousand dollars advanced to him, to enable him to proceed to the southern department, and for which he is to be accountable.

Congress took into consideration the report of the Board of War of December 8; Whereupon,

AT A BOARD OF WAR, *Dec<sup>r</sup>. 8, 1780*

Present Mr Peters, Gen<sup>l</sup> Ward, Gen<sup>l</sup> Cornell

The Board of War beg leave to report

That in virtue of the resolution of Congress of the twenty sixth day of July last, empowering them to arrange the affairs of the department of Commissary General of Military Stores, and fix the pay of the Officers and men employed therein, they have on account of the alteration of circumstances, since their regulation of the 12<sup>th</sup> of August last reported to and approved of by Congress, thought it advisable to supersede the said regulation so far as respects the pay of the Officers and men, both in the Civil and Military branches of that Department, and they request Congress that it may be

*Resolved*, That from and after the 1st day of August last, the pay and appointments of the officers in the department

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 25.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 27.

of the commissary general of military stores be as follows, the sums hereafter mentioned to be paid in bills of the new emissions, and all moneys received in bills of the old emissions, since the said 1st day of August, to be accounted for according to the table of depreciation, as fixed by the Board of Treasury, viz.: commissary general of military stores, ~~115~~ 100 dollars per month, 3 rations per day; deputy commissary general, 80 dollars per month, 2 rations per day; commissaries, 70 dollars per month, 2 rations per day; deputy commissaries, 55 dollars per month, 2 rations per day; conductors, 45 dollars per month, 1 ration per day; clerks, 40 dollars per month, 1 ration per day.

No rations in addition to the number above mentioned, are to be allowed for servants:

That the officers and men of the regiment of artillery artificers, have the same pay, from and after the said 1st day of August, in bills of the new emissions, as was originally fixed in bills of the then emissions, by the regulations of the department, made by Congress, on the 11th day of February, 1778, and that they draw the number of rations then directed:

That the appointments of the field commissary of military stores, and his subordinate officers, be as follows, from and after the 1st day of August last, the pay to be received in bills of the new emissions: field commissary, 90 dollars per month, 2 rations per day, servants included; deputy field commissary, 70 dollars per month, 2 rations per day, servants included; conductor, 45 dollars per month, 1 ration per day, servants included; clerk, 40 dollars per month, 1 ration per day, servants included:

That the commanding officer of artillery, for his extra services in the affairs of the ordnance department, receive 40 dollars per month, in addition to his pay as an officer in



the line, in bills of the new emissions from and after the first day of August last:

That the surveyor of ordnance for defraying his expences in the exercise of his office, be allowed from and after the first day of August last, 40 dollars per month, in bills of the new emissions, besides his appointments as a field officer of artillery.<sup>1</sup>

AT A BOARD OF WAR Dec: 8<sup>th</sup> 1780

Present Mr Peters

Gen<sup>l</sup> Ward.

The Board of War beg leave to lay before Congress a letter from Mr Pierce D<sup>r</sup> Pay Master Gen<sup>l</sup> respecting the additional sums allowed to Aids de Camp, Brigade Majors and Regimental Clothiers and Pay Master, Adjutants and Regimental Q<sup>r</sup> Masters and submit the following Resolution

*Resolved*, That the additional pay of aids-de-camp, brigade-majors, adjutants, and regimental quartermasters, agreeably to the act of 27 May, 1778, be considered as fixed in specie ~~at the times when the several allowances in addition to the pay of those officers in the line were made by Congress;~~ and that the same, from and after the 18 day of August last, be drawn in bills of the new emission:

That the pay of a regimental paymaster and clothier, in addition to his pay as an officer in the line, be thirty dollars per month, in bills of the new emissions, and that the several states, in making up the depreciation of such officers from the times of their respective appointments, calculate upon the additional pay as being thirty dollars per month in specie.

The reason of the Board being induced to offer the Resolution relative to Regimental Clothiers and Paymasters is that at first the Paymasters had twenty dollars additional Pay allowed them. The Regimental Clothier had thirty dollars additional pay. Afterwards both these duties were directed to be performed by the same person

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 721.

and the Officers acting in these capacities claim both additional sums and have applied to their States for the depreciation on both. It is conceived that the thirty dollars stated in the above Resolve are sufficient for the additional trouble thrown upon those Officers especially as they do no duty in the line.<sup>1</sup>

A report of the Board of War, respecting Colonel Donald Campbell, was read:

[Extract of a letter from His Excellency, Gen<sup>l</sup> Washington, dated Oct<sup>r</sup> 29, 1780.]

Col. Donald Campbell who was continued in his former pay and rank by a resolution of the 13 February 1777 has continued to draw rations also till lately, when the Commissary of Issues to the Northward has been in doubt whether he was not precluded from drawing Rations by the resolutions of the Tenth of March and 12 June last; the Case having been referred to me, I would wish to know the Sense and pleasure of Congress upon the subject.

AT A BOARD OF WAR, *November 17, 1780.*

Present Mr Peters, Col. Grayson.

The Board having considered the above Extract of a Letter from General Washington beg leave to report to Congress

Congress not having it in their power consistent with the Arrangement of the Army to employ Colonel Donald Campbell therein,

*Resolved*, That Colonel Donald Campbell be considered as a Supernumerary and be entitled to all the Benefits allowed to Officers of his rank retiring from Service.<sup>2</sup>

*Ordered*, That it be re-committed to the Board to report specially.

A motion was made respecting Captain Pendleton:

*Ordered*, That it be referred to the Board of War to take order, the resolution of 4<sup>th</sup> instant notwithstanding.

A motion was made by Mr. [Abraham] Clark:

*Ordered*, That it be referred to the Board of War.

The committee to whom was referred the petition of the inspectors of the press delivered in a report; Whereupon,

*Ordered*, That the Board of Treasury give orders for the final settlement of the accounts of the superintendants of

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 63.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 671.

the press, computing their services from the day of the last adjustment, crediting them the original salary allowed by Congress, and charging them respectively the partial payments made to them on account, agreeably to the act of Congress passed the 15 day of November last.<sup>1</sup>

*Ordered*, That a member be added to the committee on the letter, of 25 of November, from Mr. Sullivan, in the room of Mr. [Willie] Jones, who is absent.

The member, Mr. [Samuel] Johnston.

*Ordered*, That two members be added to the committee on the petition of O. Bowen, in the room of Mr. [Ezekiel] Cornell and Mr. [Willie] Jones.

The members, Mr. [James Mitchell] Varnum, Mr. [James] Madison.

The report of the committee on the affairs of the treasury was called for, and the same being read, was accepted.

*Ordered*, That it be entered on the journal.

The report is as follows:

“That they met upon the business to them referred, and received the complaint of Ezekiel Forman and John Gibson, two of the commissioners of the Board of Treasury, against the commissioners of the Chambers of Accounts, in writing, which contains the five following charges, or articles: to wit; 1, neglect of duty; 2, indolence; 3, inattention to the public interest; 4, incapacity; and 5, partiality:

That the committee furnished the commissioners of the Chambers of Accounts with the said complaint, and afterwards heard the testimony, proofs, allegations and observations of the several parties; and after mature deliberation thereupon, find that the commissioners of the Chambers have settled above two hundred accounts between the 1st December, 1779, and the 1st December, 1780, several of

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 23. folio 62.

which required the examination of many thousand vouchers and papers; and that all the accounts which have been referred to them are reported to the auditor general's office, four or five excepted, for the delay of which satisfactory reasons were given to the committee:

That the committee cannot ascertain with any precision the time that might be necessarily employed in the transacting this business, but conceive it might have been done with more facility if the present system established by Congress did not necessarily create great delays, and therefore they are, upon the whole, of opinion that the said commissioners cannot justly be censured on account of any of the three first articles or charges:

That the committee had no evidence of incapacity in the said commissioners, or either of them, save from Mr. John Nicholson, one of their clerks, whose conduct had been complained of by them, and who had recriminated the said commissioners previous to the giving his evidence; and besides, the committee are not satisfied that he is a competent judge of this matter:

That they have carefully attended to every suggestion of partiality, and, having fully investigated every particular relating to this charge, do not find any trace of the sort:

The committee, therefore, are of opinion, that the commissioners of the Chambers of Accounts, and every of them, should be acquitted of each of the charges exhibited against them."<sup>1</sup>

~~Whereupon,~~

~~Resolved, That Congress are satisfied with the said report.~~

The Board of Treasury, to whom was referred the report of the Board of War relative to the contract for shot and shells, delivered in a report:

<sup>1</sup> This report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 26, folio 245.

*Ordered*, That it be referred to a committee of three.

The members, Mr. [James Mitchell] Varnum, Mr. [George] Clymer, Mr. [Jesse] Root.

Adjourned to 10 o'Clock to Morrow.

**SATURDAY, JANUARY 13, 1781**

A report from the Board of Treasury was read; Whereupon,

**TREASURY OFFICE Jan<sup>y</sup> 13<sup>th</sup> 1781**

The Board of Treasury represent to Congress

That John Pierce D<sup>y</sup> Pay Master General by his letter of the 9<sup>th</sup> instant informed the Board that his Excellency Gen<sup>l</sup> Washington has drawn on him for the pay of the German Regiment up to the 1<sup>st</sup> of Jan<sup>y</sup> inst to the amount of 65,319 dollars old emissions and 10,534 dollars in the new. That the regiment aforesaid Officers and Soldiers are now in this city, and as the Board are informed cannot leave it before payment is made them, the following resolutions is therefore submitted:

*Resolved*, That a warrant issue on Thomas Smith Com<sup>r</sup> of the Continental Loan Office for the State of Pennsylvania in favor of John Pierce D<sup>y</sup> Pay Master Gen<sup>l</sup> for 65,319 dollars old emissions and 10,534 dollars in the bills of credit emitted pursuant to the Act of Congress of the 18 of March last (part of the bills aforesaid subject to the orders of Congress) for the purpose of paying the German reg<sup>t</sup> agreeably to the orders of His Excellency Gen<sup>l</sup> Washington, for both of which sums the said D<sup>y</sup> Pay M<sup>r</sup> Gen<sup>l</sup> is to be accountable, and that preference of payment be given to this warrant.

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of John Pierce, deputy paymaster general, for thirty-two thousand, six hundred and sixty dollars old emissions, and five thousand two hundred and sixty-seven dollars in the bills of credit emitted pursuant to the act of Congress of the 18 of March last, part of the bills subject to the orders of Congress, and that preference in payment be given to this warrant for the purpose of paying in part the

arrears of pay due to the German battalion, for which sums the said deputy paymaster is to be accountable.

*Ordered*, That the said deputy paymaster give certificates to the individuals of the regiment aforesaid for the balance that may still remain due to them after the payment aforesaid.

*Ordered*, That on the application of George Bond, deputy secretary to Congress, a warrant issue on Thomas Smith aforesaid, in his favour, for eight thousand dollars old emissions, to defray the incidental expenses of the secretary's office of Congress, and for which sum he is to be accountable.<sup>1</sup>

Doctor J. Morgan was nominated by Mr. [George] Walton, for the office of director of the hospitals.

A memorial of Alexander McNutt was read.<sup>2</sup>

The committee to whom was referred the letter of December 7, from Major General Greene, delivered in a report; Whereupon,

Congress taking into consideration the eminent services rendered to the United States by Brigadier General Sumpter, of South Carolina, at the head of a number of volunteer militia, from that and the neighboring states, particularly in the victory obtained over the enemy at the Hanging Rock, on the 6th of August; in the defeat of Major Wemys and the corps of British infantry and dragoons under his command, at Broad river, on the 9th day of November, in which the said Major Wemys was made prisoner; and in the repulse of Lieutenant Colonel Tarleton, and the British cavalry and infantry under his command, at Black Storks, on Tyger river, on the 20th day of November last; in each of which actions the gallantry and military conduct of General Sumpter, and the courage and perseverance of his troops, were highly conspicuous;

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 29.

<sup>2</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, VI, folios 211-223.

*Resolved*, therefore, That the thanks of Congress be presented to Brigadier General Sumpter, and the militia aforesaid, for such reiterated proofs of their patriotism, bravery, and military conduct, which entitle them to the highest esteem and confidence of their country; and that the commanding officer of the southern department do forthwith cause the same to be issued in general orders, and transmitted to General Sumpter.<sup>1</sup>

The committee appointed to report a plan for the arrangement of the civil executive departments of the United States delivered in a report, which was read.

Adjourned to 10 o'Clock on Monday.

MONDAY, JANUARY 15, 1781

A letter, of 6, from General Washington, was read.

A letter, of this day, from the hon<sup>ble</sup> the Minister of France, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three.

The members, Mr. [Thomas] McKean, Mr. [James] Duane, Mr. [Thomas] Burke.

A petition from Thomas Bates was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of War to take order, the resolution of 4th notwithstanding.

A memorial from Morgan Lewis was read:

*Ordered*, That it be referred to a committee of three.

Mr. [Thomas] McKean, Mr. [James] Lovell, Mr. [Joseph] Montgomery.

The committee to whom was referred the letter from E. Blaine, and the report of the Board of Treasury on the letter

<sup>1</sup> This report, in the writing of Thomas Bee, is in the *Papers of the Continental Congress*, No. 19, V, folio 467.

<sup>2</sup> The Washington letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 431; it is printed in the *Writings of Washington* (Ford), IX, 93. A translation of the French letter is in the *Papers of the Continental Congress*, No. 37, folio 341; another translation is printed in the *Diplomatic Correspondence of the American Revolution*, (Wharton) IV, 232.

<sup>3</sup> This petition is in the *Papers of the Continental Congress*, No. 42, I, folio 230.

from J. Pierce, delivered in a draught of a letter to the states, which was agreed to as follows:

SIR: A circular address to the respective states, of the 9th day of November last, communicated a requisition of Congress for the service of the current year. This act, and the system of the 18th of March, ~~for improving~~ [respecting] our finances, include the principal means [which their present powers have enabled Congress to adopt] for prosecuting the war ~~and they are of such vast moment, that, under Providence, the public safety rests upon their efficiency;~~ measures so deeply interesting not only demand the unremitted attention and vigorous support of the legislatures; but Congress ought to be informed of their progress with the utmost precision. Both are necessary to the public credit, to the success of our military operations, to the very existence of our armies. By our act of the 21 of October, the state agents are directed to transmit to the Commander in Chief, and to the commissary general, respectively, monthly returns of all supplies which shall be drawn into their hands, specifying the articles and the magazines where they shall be deposited. It is equally incumbent on the state treasurers to make similar returns to the Board of Treasury of all the taxes which shall be brought into their respective offices, and of the issues of the new emissions. These are regulations which cannot be dispensed with, and it is recommended to the legislatures to enjoin them under such penalties as will enforce a prompt and punctual obedience.

Besides those supplies for the current year, which cannot be anticipated without the utmost danger, the pay in arrear to the army demands your most serious consideration. The honor of government and military order and discipline depend on its regular discharge. Nor was a fund sufficient for this and other purposes neglected; for had the requisitions for taxes prior to the act of the 18 of March been



productive; had the warrants on the state treasuries for the balances of those taxes, drawn so long ago as the first of July, been satisfied, a complaint of this nature could not have existed, ~~but when there remains at this moment a deficiency of no less than 42,499.384<sup>21</sup>/<sub>100</sub> dollars it will readily be accounted for.~~

We are not unapprized of the embarrassments attending the collection of taxes from the credit given on commissaries' and quartermasters' certificates for the support of the army; but it is manifest that Congress could not provide a remedy. ~~We had ceased~~ [It was found expedient to discontinue] the emission of paper money, ~~to comply with what was conceived to be the sense of the people, and from a want of confidence in the public credit our~~ [various causes, the public] necessities were not relieved by loans, at the same time that the expedient [measure] was embraced of extinguishing those certificates in the taxes. Hence the treasury has been ~~without~~ destitute of supply, almost every resource being cut off at the same instant. In vain have we endeavoured to obtain a knowledge of the amount of those certificates, or how far they have been reduced; and they continue to obstruct every plan which ~~can be~~ [hath been] devised for restoring public credit and supporting the war. This is a subject to which the authority of the legislatures alone is competent, and it will become their wisdom and their zeal for the public service to give it the fullest investigation.

In the mean time, an immediate provision for the pay of the army is indispensably necessary. We need not dwell upon the injustice or the probable effects of a delay, they are obvious and alarming: and we earnestly call upon the several states to devise prompt and efficient means for remitting to the paymaster general, [on warrants to be issued in his favour,] the respective quotas assigned to them by the

enclosed estimate. ~~With this measure is connected the very existence of the army.~~<sup>1</sup>

The necessity of great and spirited exertions becomes every day more evident.<sup>2</sup> While the cruel policy of our enemies raises ~~our~~ universal indignation and abhorrence, it admonishes us that no time is to be lost in rescuing our bleeding country from desolation, and establishing its independence on the basis of an honorable and permanent peace. However great may be the burthens which we are called upon to sustain, let us remember that they are the price of liberty, and that they have been common to every people who have dared to struggle for social happiness against ~~the hand of~~ violence and oppression. Let us reflect on our solemn engagements, to devote our lives and our fortunes to the best of causes: and we shall find that we cannot be destitute of resources. Let us review the past miseries of a lingering war, and the danger of its further protraction, and we shall seize the golden opportunity of co-operating with our generous ally, by every possible effort to render the approaching campaign glorious and decisive. If we are unable in this stage of the conflict ~~when we enjoy the prospect of its happy conclusion to maintain our~~ ~~cause~~ defend ourselves by annual taxes; can we hesitate to interpose our responsibility, or to contribute a portion of our capitals? Will a people whose fortitude and patriotism have excited the admiration of Europe, languish at the bright dawn of triumph, and endanger the public happiness by a selfish parsimony? While Congress entertain just sentiments ~~of the zeal of their constituents for the best of~~ ~~causes~~ there can be no place for such humiliating apprehensions. On the contrary, we shall look with confidence for a liberal compliance with every requisition which the public exigencies dictate. Experience has pointed out the dangers to which we have been exposed by a want of punctuality in

<sup>1</sup> This sentence struck out, is in the writing of James Mitchell Varnum.

<sup>2</sup> From this point the entries in the Journal are in George Bond's writing.

former supplies, and we are persuaded that those dangers will, for the future, be carefully prevented.

For our own part we have left nothing unessayed to render the operations of the war more vigorous and successful. We have [applied] for naval succours from abroad: if we no longer continue unfortunate in the importation, we shall not want a competent supply of cloathing, arms and ammunition. We are once more attempting a foreign loan of specie: we have pointed out and required the aids of men, provisions and money, which in every event must be produced from our own internal resources. We have strenuously urged upon the states a punctual compliance, on their part, with those requisitions. With the states who ~~have the power~~ alone have authority to execute; with an enlightened people, who know how to estimate the blessings for which we contend, it remains to give the measures which we have recommended their full and seasonable effect.

The estimate referred to:

Estimate of the sums necessary to be forwarded by the respective states, from Pennsylvania to New Hampshire, inclusive, for the immediate pay of the army composed of the lines of those states. Total 879,342 Dollars.

*Apportioned by Congress as follows:*

New Hampshire, - -	51,726	New Jersey, - - - -	51,726
Massachusetts, - - -	284,493	Pensylvania, - - - -	232,767
Rhode Island, - - -	25,863		
Connecticut, - - - -	155,178		
New York, - - - - -	77,589		879,342

The above is calculated on six months' pay in specie value; one half of which to be advanced without the least delay, and the remainder by the 1st of April next.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This report, in the writing of James Duane, except the portions in brackets, which are in Samuel Huntington's writing, is in the *Papers of the Continental Congress*, No. 24, folio 301.

Here Charles Thomson resumes the entries.

## TUESDAY, JANUARY 16, 1781

A letter, of 15, from J. Pierce, was read;<sup>1</sup> Whereupon,  
*Resolved*, That the order, of the 13, to the deputy paymaster, "to give certificates to the individuals of the German regiment for the balances that may be due to them" be and is hereby repealed.

A letter, of 14 September last, from the hon<sup>ble</sup> H. Laurens, on board the *Vestal*, British frigate, St. John, Newfoundland, was read.<sup>2</sup>

A report from the Board of War, on the case of Colonel Donald Campbell, was read:

AT A BOARD OF WAR *January 13<sup>th</sup> 1781*

Gen<sup>l</sup> Ward

Gen<sup>l</sup> Cornell

The Board having reconsidered their report of the 29<sup>th</sup> of October [November 17] in the case of Col Donald Campbell, upon which they are directed to report specially, beg leave to inform Congress, That on the 17<sup>th</sup> of July 1775 he was appointed by Congress D Q M General for the New York department, with the rank of Colonel, in which he continued for some time, but was arrested and tried by a Court Martial in 1776, the sentence of which was unfavorable to him, but was not finally approved as Congress will see by Gen<sup>l</sup> Gates's report on their Journals of the 18<sup>th</sup> of Jan<sup>y</sup> 1777 to which the Board beg leave to refer. It operated however to take from him his employment of D Q M Gen<sup>l</sup> and on the 13<sup>th</sup> of February 1777. Congress resolved: "That he be continued in his former pay and rank; and directed to repair immediately to the Commissioners for auditing accounts of the Northern Army, and settle with them the accounts of his late department"

Upon this state of the matter, and taking into consideration that Col Campbell has not done one day's public duty, except settling his own public accounts, since the last mentioned resolve, the Board submit the following resolution:

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 165, folio 517.

<sup>2</sup> This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) IV, 56.

That Col Donald Campbell be considered as out of the service from and after the 1<sup>st</sup> day of January 1781; and that he receive his pay and subsistence to that time without any allowance for depreciation.<sup>1</sup>

*Ordered*, That it be referred to a committee of three.

The members, Mr. [Thomas] McKean, Mr. [George] Walton, Mr. [Joseph] Montgomery.

It being represented to Congress by the delegates of South Carolina and Georgia that all the treasury and public papers belonging to those states were deposited some time since in Virginia, and they have reason to apprehend they may be in danger of falling into the enemy's hands; Therefore,

*Ordered*, That on the application of the delegates aforesaid, a warrant issue in their favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twenty thousand dollars of the old emissions, to enable them to remove the said public papers to some place of greater security, and for which sum the said states respectively are to be accountable: South Carolina for two thirds, and the said State of Georgia for one third, of the said sum.<sup>2</sup>

The committee to whom was referred the report of the Board of Treasury on Mr. A. Lee's accounts, and

The Committee of Commerce, delivered in reports.

The Commercial Committee beg leave to Report that from a desire of discharging the duties assigned them, they have applied to the books and papers of their predecessors, but have found them in such extreme disorder, as utterly to defeat all hope of their obtaining in any reasonable time, a sufficient knowledge of the state of the Department.

That in their opinion this disorder in the affairs of the Department has in a great measure if not wholly arisen from the practice of committing them to Members of this House, who had it not in their

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 77.

<sup>2</sup> This order and preamble were also entered in the manuscript Secret (Domestic) Journal.

power to give them the requisite attention, without neglecting some of the more immediate and important business of Congress, for this reason the Committee submit the following Resolution:

That an agent be appointed with a competent salary whose duty it shall be to arrange and state the accounts of the former Committees of Commerce and to manage the Commercial transactions of Congress.<sup>1</sup>

WAR OFFICE Jan<sup>y</sup> 15<sup>th</sup> 1781

SIR.

The Board have been honored with an order from Congress to draw a warrant in favor of Thomas Bates late a soldier in Colonel Moylans Regiment whose case is exactly similar to those of great numbers who have been refused at this Board, and of those who never had it in their power to apply. If this warrant is drawn it will expose Congress to repeated applications and as there is no Money in the Military Chest even if warrants are drawn, they will either be useless or sold about the City for trifling considerations. The Board foresaw the present inconveniences and reported to Congress on the 22<sup>nd</sup> of December on the subject. If the monies recommended to be put into the hands of the Pay Master General are provided we shall be happy to distribute them among the appliers. But at present we submit to Congress whether giving a Warrant or paying money to one soldier and not to others under like circumstances will not be of more disadvantage than benefit to the public.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 17, 1781

A memorial of Robert Elliot was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of Admiralty.

Mr. Alexander McDougall, a delegate for the State of New York, attended, and took his seat in Congress.

*Resolved*, That the salary of the secretary for foreign affairs be four thousand dollars per annum, exclusive of office expences.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 31, folio 225.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 73. It is indorsed: "Read Jan<sup>y</sup> 16, 1781. Ordered to lie on the table."

<sup>3</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, III, folio 61.

*Resolved*, That Monday next be assigned for electing a secretary for foreign affairs.

Congress proceeded to the election of a director of the military hospital; and the ballots being taken, Dr. John Cochran was elected, having been previously nominated by Mr. [James Mitchell] Varnum.

Congress proceeded to the election of a paymaster general of the army; and the ballots being taken, Mr. John Pierce was elected, having been previously nominated by Mr. [Abraham] Clark;

*Resolved*, That Mr. [Isaac] Motte be excused, on account of his ill state of health, from attending on the business of the Board of Treasury, and that another be appointed in his stead.

The member chosen, Mr. [George] Walton.

Mr. Robert R. Livingston was nominated by Mr. [James Mitchell] Varnum, and

Mr. A. Lee by Mr. [Thomas] McKean, for the office of secretary for foreign affairs.

A report from the Board of War was read; Whereupon,

WAR OFFICE Dec<sup>r</sup>. 29<sup>th</sup>. 1780

SIR,

The Board have the honor to enclose for the consideration of Congress, two letters from Mr Baker Johnson in Maryland, from which it appears that he has involved himself in a difficulty, not a little distressing to him, by a laudible desire to promote the public good.

The contract for which he stands engaged was made before the resolution of the 6<sup>th</sup> ulto prohibiting Military Officers from making purchases could be known: and being informed that an officer was left at Philadelphia for the express purpose of procuring clothing for Col Lee's Corps, leather breeches among other Articles, he thought there was little risk in becoming security for a purchase, which the soldiers then stood in need of, and which was made on terms not disadvantageous to the public.

The Board beg leave to report:

*Resolved*, That the executive of the State of Maryland be and hereby are requested to liquidate and settle the account of Mr. Baker Johnson for ~~fifty two pairs of leather breeches~~ cloathing which he purchased for Lieutenant Colonel Lee's partizan corps on account of the United States.<sup>1</sup>

The committee to whom was referred the letter, of 15, from the hon<sup>ble</sup> the Chevalier de la Lucerne, minister plenipotentiary of France, delivered in a report, which was read:

The Committee to whom was referred the Communication of the Chevalier De la Luzerne Minister of France of the 15<sup>th</sup> Instant have agreed to report hereupon as follows.

Whereas His Most Christian Majesty has thought proper to give an additional proof of his regard for these United States in his letter dated the 10<sup>th</sup> day of August last to the Admiral of France, touching the sentence and condemnation of prizes taken by ~~Privateers~~ armed vessels fitted out by these States in the Ports of France, by signifying that it is his intention and pleasure, that the prizes which shall be taken by such ~~Privateers~~ armed vessels, and brought into any of his ports may be judged of by the Council for prizes in the same manner as those made by Privateers fitted out by his subjects; and that the officers of the Admiralty observe with regard to them the formalities prescribed by his declaration of the 24<sup>th</sup> June 1778. Congress desirous of evidencing a reciprocal esteem and regard for the good ally and his subjects have resolved:

That all Prizes taken by ~~Privateers or Letters of Marque~~ armed vessels fitted out by the subjects of his Most Christian Majesty in any of the ports of these United States, and brought within the same, may and shall be judged of tried and condemned in any Court of Admiralty, in the same manner in all respects as those made by ~~Privateers or Letters of Marque~~ armed vessels belonging to the Citizens of any of these States of which all persons concerned are to take notice, and govern themselves accordingly.

[If the amendments proposed by the Board of Admiralty should be agreed to the Resolution will then read:

That all prizes taken by Privateers and other armed vessels fitted out and navigated by the subjects of his Most Christian Majesty in

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 1.



any of the Ports of these United States and brought within the same, may and shall be judged of tried and condemned in any Court of Admiralty in the same manner in all respects as those made by Privateers and other armed vessels belonging to the citizens of any of these States. Of which all persons concerned are to take notice and govern themselves accordingly.]<sup>1</sup>

*Ordered*, That it be referred to the Board of Admiralty.

The Board of Treasury, to whom was referred the memorial of John Ross, together with his account against the United States, delivered in a report; Whereupon,

TREASURY OFFICE *Jan<sup>y</sup>. 13<sup>th</sup>. 1781*

The Board of Treasury beg leave to report,

That they have had under their consideration the report of the Chambers of accounts and the Auditor General on the account of John Ross referred to them by Congress on the 3<sup>d</sup> of January with directions to liquidate the account and devise ways and means for paying the balance due to him beg leave to submit the same to the decision of Congress on the point submitted by the Auditor General

The Board however are of opinion from the certificates adduced that Mr Ross has complied on his part with every requisition in the settlement of his accounts under the direction of Doct<sup>r</sup> Franklin required by a special resolution of Congress for that purpose dated August 11<sup>th</sup> 1778 and it would seem unreasonable for him to wait for the payment of his balance which from anything that appears to the contrary is well and justly settled until Doct<sup>r</sup> Franklin who is in possession of the papers on which that balance is founded may send them forward. The Board are further of opinion that a continuation of the interest from the date of the settlement Viz. on the 1<sup>st</sup> of July, 1779, to the present time ought to be made, which, by the report amounts to the sum of £1368.. 3.. 9 which with the former balance is £19,445.. 11.. 11 Sterling, the following resolution is therefore submitted:

*Resolved*, That bills of Exchange be drawn on the Minister Plenipotentiary of the United States of North America at the court of to the amount of nineteen thousand four hundred and forty five pounds eleven Shillings and eleven pence Sterling to dis-

<sup>1</sup> This report, in the writing of Thomas McKean, the part in brackets in that of Thomas Burke, is in the *Papers of the Continental Congress*, No. 37, folio 345.

charge the principal and interest of the public debt due to John Ross, and that the Board of Treasury be authorized and directed to carry this resolution into effect.<sup>1</sup>

*Ordered*, That the Board of Treasury direct the balance of nineteen thousand four hundred and forty-five pounds, eleven shillings and eleven pence sterling to be entered to the credit of John Ross in the books of the United States, and that the said balance bear an interest of six per cent. per annum until paid.

Congress took into consideration the report of the committee on the letter of 5 of November last, from General Washington, enclosing a memorial from the officers in the hospital department; and, thereupon, came to the following resolutions:

Whereas, by the plan for conducting the hospital department, passed in Congress the 30th day of September last, no proper establishment is provided for the officers of the medical staff, after their dismissal from public service, which, considering the custom of other nations and the late provision made for the officers of the army, after the conclusion of the war, they appear to have a just claim to; for remedy whereof, and also for amending several parts of the above-mentioned plan:

*Resolved*, That all officers in the hospital department, and medical staff, hereinafter mentioned, who shall continue in service to the end of the war, or be reduced before that time as supernumeraries, shall be entitled to, and receive, during life, in lieu of half-pay, the following allowance, viz.

The director of the hospital equal to the half-pay of a lieutenant colonel:

Chief physicians and surgeons of the army and hospitals, ~~each equal to the half pay of a major~~ and hospital physicians and surgeons, purveyor, apothecary, and regimental

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 33.

surgeons, each equal to the half-pay of a lieutenant captain: ~~and regimental mates each equal to the half pay of a lieutenant~~

That there be allowed to the purveyor, apothecary, and assistant purveyors, each, forage for one horse:

That the power given in the before-mentioned plan, to the chief physician and surgeon of the army, to remove regimental surgeons and mates in case of absence without leave, shall in future extend no further than a power of suspension, until such delinquent shall be reported to a proper officer for bringing him to trial by court martial:

That the apothecary may deliver medicines, instruments and dressings, and other articles of his department, to the hospitals, on orders in writing from a physician and surgeon having the care of any particular hospital, where the director or one of the chief physicians and surgeons shall not be present to give the same:

That the power given to the director and chief hospital physicians, with respect to the appointment of matrons, nurses, and other persons necessary for the regular management of the hospitals, be extended to each of the physicians and surgeons of the hospitals, in the absence of the director and chief physicians and surgeons.

~~That notwithstanding the prohibition against officers of the hospitals using any of the Stores provided for the sick, the said officers may occasionally draw out of the hospital Stores under their particular direction by written orders on the Stewards of the same, such small articles for their comfortable subsistence as they may stand in need of, provided such articles are not immediately wanted for the use of the sick: of which articles so issued, the Stewards shall keep regular accounts, charging each officer with the articles drawn at the current price the same bears at that time, which shall be deducted out of his pay in the settlement of his account, copies of which accounts, each respective Steward, under obligation of his oath of Office, shall transmit every six months to the Purveyor,~~

Negatived

~~which being charged in a general account by him, shall be lodged in the Treasury Office—~~

~~That the Director, Chief Physicians of the army and hospitals, and other Physicians and officers in the hospital department, as well those lately dismissed from service, as those re-appointed in the last arrangement who were in office between the first day of Sept<sup>r</sup> 1777, and the 20<sup>th</sup> day of September last, shall have the depreciation of money made good to them on their pay for such part of the above mentioned time as they were actually employed in public service.<sup>1</sup>~~

Adjourned to 10 o'Clock to Morrow.

#### THURSDAY, JANUARY 18, 1781

On motion of Mr. [Abraham] Clarke, seconded by Mr. [James] Duane,

*Resolved*, That the Board of Admiralty be authorised to exchange, as heretofore, any exchangeable prisoners of the enemy, taken in refugee boats, for our people prisoners with the enemy, the resolution of the 5th instant notwithstanding.

A letter, of 28 December, from Major General Greene;

A letter, of 8th, from Baron Steuben, and

A letter, of 10, from the governor of Virginia, were read:<sup>2</sup>

*Ordered*, That they be referred to the Board of War.

A report from the Board of War was read:

*Ordered*, That it be re-committed to the Board, and that they take order for having imported from France with all convenient speed the brass howitzers mentioned in Brigadier General Knox's letter, of 27 December:<sup>3</sup>

*Ordered*, That the Board of War give orders for furnishing the discharged non-commissioned officers and soldiers, late of the Pennsylvania line, with one ration of provisions for every twenty miles, to support them on the way to their

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, VI, folio 331.

<sup>2</sup> Greene's letter is in the *Papers of the Continental Congress*, No. 155, I, folio 497. Steuben's is in No. 164, folio 202; the Virginia letter is in No. 71, II, folio 1.

<sup>3</sup> This order was also entered in the manuscript Secret (Domestic) Journal.

places of abode, and that the quantity furnished be endorsed on their respective discharges.

A letter, of 3, from Major General Gates, was read.<sup>1</sup>

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of Mr. [John] Mathews, a delegate for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twenty thousand dollars old emissions, for which the said State of South Carolina is to be accountable:

That on the application of Gillam Aertson, clerk at the war office, a warrant issue in his favour on Thomas Smith aforesaid for two hundred dollars new emissions, part of the balance of salary due to him, and for which he is to be accountable:

That on the application of John M. Jackson, one of the clerks in the secretary's office, a warrant issue in his favour on Thomas Smith aforesaid for one hundred and twenty-five dollars new emission, part of the balance of salary due to him, and for which he is to be accountable.

*Ordered*, That to Morrow, immediately after reading the journals, Congress be resolved into a Committee of the Whole to consider the reports respecting finance.

The committee appointed to report a compensation for the staff of the army &c.; and

The Committee of Commerce, to whom was referred the memorial of J. Henderson, delivered in their respective reports.

Congress took into consideration the report of the committee on the plan of executive boards, and, some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 154, II, folio 351.

FRIDAY, JANUARY 19, 1781

According to the order of the day, Congress was resolved into a Committee of the Whole, and, after some time spent therein, the President resumed the chair, and Mr. [Theodorick] Bland reported that the Committee have had under consideration the reports referred to them, and have made some progress; but, not having come to a conclusion, desire leave to sit again:

*Ordered*, That to Morrow at 11 o'Clock Congress be resolved into a Committee of the Whole, to consider farther the reports on finance.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That a warrant issue on Thomas Harwood, commissioner of the continental loan office for the State of Maryland, in favor of John Pierce, paymaster general, for one thousand seven hundred and eighty-one dollars in the bills of credit emitted pursuant to the act of Congress of the 18 March last, to enable him to discharge a warrant drawn on him by the Board of War, in favour of Captain Daniel Pendleton, for the like sum, being on account of the pay of his company of artificers now marching for the southern army, from the first of August, 1780, to 1 January, 1781, and for which sum the said paymaster general is to be accountable.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 20, 1781

A letter, of 19, from J. Pierce, was read, signifying his acceptance of the office of paymaster general.

A memorial of the officers of the five Pennsylvania companies of the late German regiment was read:<sup>2</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folios 35 and 41.

<sup>2</sup> Pierce's letter is in the *Papers of the Continental Congress*, No. 165, folio 589; the memorial of Pennsylvania officers is in No. 41, VII, folio 286.

*Ordered*, That it be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [Samuel] Adams, Mr. [Joseph] Montgomery.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That, on the application of Theophilus Gardner, assistant in the auditor general's office, a warrant issue on Thomas Smith, commissioner of the Continental loan office for the State of Pennsylvania, in his favour for one hundred dollars new emission, part of the balance of salary due to him and for which he is to be accountable.<sup>1</sup>

The committee, to whom was referred the letter of 31 December, from E. Blaine, delivered in a report; Whereupon,

*Ordered*, That a letter be written by the President to the executive of the State of Delaware, representing the necessity of forming magazines of flour contiguous to the army, and urging that State to send forward their quota to Trenton by water, without delay.<sup>2</sup>

According to the order of the day, Congress was resolved into a Committee of the Whole, and after some time the President resumed the chair and Mr. [Theodorick] Bland reported that the Committee have considered farther the reports referred to them, but, not having yet come to a conclusion desire leave to sit again.

*Ordered*, That on Monday next Congress be resolved into a Committee of the Whole to take into their farther consideration the reports on finance.

Adjourned to 10 o'Clock on Monday.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folios 35 and 41.

<sup>2</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, I, folio 385.

MONDAY, JANUARY 22, 1781

A letter, of 11, from Baron Steuben, was read.<sup>1</sup>

A report, from the Board of War, was read:

AT A BOARD OF WAR *Jan<sup>y</sup> 20, 1781.*

Present Mr Peters

Gen<sup>l</sup> Cornell.

Lt Col. Forrest, the Officer appointed by his Excellency the Commander in Chief, to the command of the post at Carlisle, represents to the Board that he has not received any pay for a long time past, and that it is impossible for him to proceed to Carlisle without having a sum of money advanced to him.

The Board beg leave to report, That the Board of War grant a warrant on the Pay Master General in favor of Lt. Col. Forrest of Col Proctors Regiment of Artillery, for his pay and subsistence for three months, to commence the first day of August last.<sup>2</sup>

*Ordered*, That the same be referred back to the Board to take order, the resolution of the 4 notwithstanding.

According to order, Congress was resolved into a Committee of the Whole, and after some time the President resumed the chair and Mr. [Theodorick] Bland reported that the Committee have had under their farther consideration the reports referred, but not having come to a conclusion desire leave to sit again.

*Ordered*, That to Morrow, immediately after reading the Journal, Congress be resolved into a Committee of the Whole to consider farther the reports referred to them.

~~On motion of Mr. [John] Witherspoon, seconded by Mr. [Samuel] Adams,~~

~~*Ordered*, That for the convenience of commerce and trade the treasurer of the United States and the loan officer for the State of Pennsylvania change as far as may be in their power bills emitted pursuant to the act of Congress of the 18 March last by one State for similar bills emitted by another State.~~

Repeated Janu-  
ary 23

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 164, folio 210.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 101.



## TUESDAY, JANUARY 23, 1781

A letter, of 15th, from General Washington;

A letter, of 28th September, and one, of 9th October, from John de Neufville & Son, were read;<sup>1</sup>

A letter, of the 10th, from J. Bradford, was read, enclosing a schedule of the settlement with Captain Duarte, for the *Nostra Senhora del Carmo and St. Antonio* and cargo, and Captain Duarte's discharge;

*Ordered*, That the same be referred to the Board of Treasury.

The delegates for the State of New York, laid before Congress a letter of 14, from John M'Kesson, which being read, it was thereupon,<sup>2</sup>

*Resolved*, That a procurator be appointed, during the pleasure of Congress, to prosecute in behalf of Congress for all debts due to, or frauds committed against these United States in the State of New York.

*Resolved*, That Egbert Benson, esq. be appointed to the office of procurator as aforesaid.

*Ordered*, That the letter aforesaid be referred to the Board of Treasury to take order.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR January 19, 1781

Present M<sup>r</sup> Peters

Gen<sup>l</sup> Cornell.

The Board beg leave to lay before Congress a letter from Col Armand on the subject of his legion in which he proposes,

That a furlough be granted him for such time as Congress may think proper and leave granted him to go to France for the purpose

<sup>1</sup> The Washington letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 511; it is printed in part in *The Writings of Washington* (Ford) IX, 110. De Neufville's letter of September 28 is in the *Papers of the Continental Congress*, No. 145, folio 41; that of October 9 is on folio 45.

<sup>2</sup> Bradford's letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 73; McKesson's is in No. 78, XVI, folio 127.

of procuring on his own credit, clothing, arms, accoutrements and horse furniture for his legion, Congress agreeing to pay him the amount of the articles procured, in four years with interest at five per cent per annum.

He represents the impracticability of getting men under the former resolution of Congress on this subject and therefore request that monies for recruiting be given to the Officer left in command of the legion for the purpose of inlisting.

That means may be taken to procure horses for the Dragoons.

He represents that the Corps is in want of a Lieutenant Colonel and wishes that Lt Col Ternant may have this appointment, when exchanged, and that this may be done without additional expence to the United States, as this Gentleman is already in the service in the rank proposed. That the remains of the Corps may be stationed at some convenient place for the purpose of equipment and discipline.

On those representations should Congress approve of them it may be proper to resolve:

*Resolved*, That Congress approve of Colonel Armand's proposals as made in his letter of the 19th instant to the Board of War, respecting procuring cloathing and equipment of his legion on his own credit; the monies advanced for the purchase of the articles procured, to be repaid in four years, with interest, at five per cent per annum; the articles procured to be plain and useful, without unnecessary decorations or expence:

That Colonel Armand have leave to go to France; and for this purpose a furlough be granted him for six months:

That the Board of Treasury report a warrant in favour of the paymaster of the Board of War, for the sum deemed necessary by the Board to recruit the legion commanded by Colonel Armand to its complement:

That Lieutenant Colonel Ternant be appointed lieutenant colonel of Colonel Armand's legion and take his rank and command therein when exchanged.

That the quartermaster general be directed to procure a sufficient number of horses, to remount such of the cavalry

as are destitute of horses agreeably to directions to be given by the Commander in Chief for the next campaign, and that Colonel Armand's legion be furnished with its proportion out of the number so procured by the quartermaster general:<sup>1</sup>

That the remainder of Colonel Armand's legion, now in service, be stationed, for the purpose of discipline and equipment, at such place as the Commander in Chief shall think proper:

Should Congress not deem it expedient to adopt the before mentioned resolutions, they will be pleased to resolve.

That a Committee be appointed to confer with Colonel Armand on the subject of his letter to the Board of War, relating to the arming, equipping and recruiting his partizan Corps.<sup>2</sup>

That so much of the report as relates to the appointment of Lieutenant Colonel Ternant to be lieutenant colonel of the legion commanded by Colonel Armand, be referred to the Commander in Chief.

According to the order of the day, Congress was resolved into a Committee of the Whole, to consider further the reports on finance, and after some time the President resumed the chair and Mr. [John] Mathews reported that the Committee have had under consideration the reports to them referred and have made some progress, but, not having come to a conclusion, desire leave to sit again.

*Ordered*, That to Morrow, after reading the Journal, Congress be resolved into a Committee of the Whole to consider farther the reports on Finance.<sup>3</sup>

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pensyl-

<sup>1</sup> These resolutions as an extract from the minutes are in the *Papers of the Continental Congress*, No. 164, folio 462.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 97.

<sup>3</sup> From this point the entries are by George Bond.

vania, in favor of John L. Clarkson, clerk to the Board of Treasury, for twenty four thousand and fifty dollars old emissions, to enable him to pay for a sett of principal books, paper and sundry other articles for the use of the auditor general's office, [and to pay for a stove already fitted up for the use of the said office] and for which the said John L. Clarkson is to be accountable.<sup>1</sup>

*Resolved*, That the order of yesterday for changing the new money be and hereby is repealed.

Adjourned to 10 o'Clock to Morrow.

### WEDNESDAY, JANUARY 24, 1781

A letter, of this day, from Colonel Armand, was read;<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [James Mitchell] Varnum, Mr. [Alexander] McDougall.

A letter, of 22, from A. Skinner, was read;<sup>3</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Alexander] McDougall, Mr. [Joseph] Montgomery, Mr. [Abraham] Clark.

A letter, of October 4, from Mr. Dumas, was read, with sundry papers enclosed;

*Ordered*, That the same be referred to the committee on his former, of September 12.

*Ordered*, That a member be added to the said committee, in the room of those absent:

The member, Mr. [Thomas] McKean.

A memorial, from the owners of a ship building at Kensington, was read;

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 39; the portion in brackets is in the report but not in the Journal.

Thomson here resumes the entries.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 164, folio 450.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 557.

*Ordered*, That it be referred to the Board of Admiralty to take order.

The committee, on the memorial of E. Forman; and

The committee, on the memorial of R. Peters &c; and

The committee appointed to confer and act in concert with the executive of the State of Pennsylvania in quieting the disturbances in the Pennsylvania line, delivered in their respective reports:

The Committee &c

Having at different times sent to Congress every material piece of Intelligence, during the course of their negotiations, now beg leave to lay before the House a connected view of their whole Proceedings with Remarks.

On their arrival at Trenton on Saturday Evening the 6<sup>th</sup> Instant, they met and conversed fully with M<sup>r</sup> President Reed from the Executive Council of the State of Pennsylvania, who had that Day been at Maidenhead near Princeton and began a Treaty with the insurgents through General Wayne. The Committee of Congress and of the Council agreed upon the measures to be pursued by them in conjunction and in particular, that not only every thing justly due to the Soldiers of the Pennsylvania line should be granted, but that a construction favorable to them should be put upon the form of enlistment, *for three years or during the war*; viz: that it should terminate in three years unless the soldier had voluntarily reinlisted but that they would not on any account discharge those who had freely inlisted for the war. They also agreed that as Gen<sup>l</sup> Wayne had offered them on the 2<sup>d</sup> Instant a general amnesty it should be confirmed whatever reason there was in two or three instances to have made exceptions.

The Committee received undoubted information, that the Soldiers during their march had observed very strict order, and had done ~~far less~~ very little damage to the Inhabitants in passing through the Country ~~than could have been expected~~, and that they observed the same order in Princeton where they had now been near a week. It also appeared that they constantly gave out that they would not go to the Enemy, but that on the contrary, if the Enemy encouraged by their proceedings should make an excursion into New Jersey, they would turn and join the Militia in fighting them. Yet

their taking Post at Princeton, which was so conveniently situated for turning either way, gave ground to suspect that they might reserve this as an ultimate resource in case of extremities—all this while Gen<sup>l</sup> Wayne, and Colonels Stewart and Butler were with them, not Prisoners as was at first supposed, but without command.

On Sunday morning the 7<sup>th</sup> M<sup>r</sup> President Reed proceeded to Princeton, having been informed that the Soldiers earnestly desired it, and assured him he would be perfectly safe, the Committee of Congress remaining at Trenton to correspond and co-öperate with him. In the night preceeding a Sergeant from Gen<sup>l</sup> Clinton at N. York with a disaffected Inhabitant of N. Jersey for a guide had come to them to Princeton and produced a written but unsigned address to them, a Copy of which is herewith laid before Congress. Another paper of the same tenor wrapt in Sheet lead, was dropt by some unknown person before the door of the House where the Board of Sergeants used to meet. These overtures they received with so much contempt and indignation that they seized the persons who brought them, and sent them to General Wayne, yet taking his promise to re-deliver them when called for, he sent them under a guard of the revolted soldiers to President Reed who met them on his way to Princeton, and carried them back under a guard of the Pennsylvania light Horse to Maidenhead for examination. When he was preparing at that place to proceed to Princeton, the Soldiers sent and desired again to have the custody of the Prisoners, yet promising to have them forthcoming to the order of the President and they were accordingly delivered to them, notwithstanding this suspicious circumstance he determined to go on, and did so. He was received by them with great respect under arms and saluted. They discovered however on this occasion a great jealousy and suspicion of their being overreached, for their Sergeants came up close to him on pretence of enquiring when and where they might converse with him, but in reality to be fully satisfied of the Identity of his person, nor would the soldiers be satisfied until some of the Sergeants who knew him personally assured them it was President Reed.

In the afternoon of that Day he conversed fully with the Sergeants, who acted in name of the whole, and ~~found that they discovered no prejudices against Congress nor even against the State of Pennsylvania but chiefly against some of their own officers and complained of fine deception in their enlistments. We then read to left with them~~

a set of propositions to be read to the Soldiery next morning on the Parade and early on the following day, Monday the 8<sup>th</sup>, sent an account of his proceedings, and a Copy of the Propositions to the Committee of Congress. In the mean time the Executive authority of the State of New Jersey had given orders to have the Militia assembled on the lines and at Brunswick, in order to protect the Country and oppose the Enemy if they should land at Amboy, as also finally to quell the Mutiny if reasonable terms should be refused.

The Committee attentively considering the whole affair and being fully informed of every circumstance by the Inhabitants of Princeton and the neighbourhood, whom the Soldiers suffered freely to mix with them, found that there was a considerable number of British Deserters who had been enlisted among them, though contrary to the repeated directions of Congress and the laws of their own State. Two of these had even been chosen into the Board of Sergeants who managed their affairs, and nothing but the dissent of these hindered them from executing the two spies by their own authority. Probably these as well as some of the other English Deserters had their eyes on New York, but they were never able to make their sentiments on this subject general, nor durst they even express them freely. The revolted Body in general discovered and even expressed great jealousies that the Militia of the country would be brought upon them to prevent which they paid the strictest attention to discipline, and the protection of the Inhabitants and every where published that they wanted only justice to themselves. They further often said that should the Enemy come out, they would join the Country under Gen<sup>l</sup> Wayne, at the same time dropping threatenings that if the Militia came upon them before the affair was settled they would burn and waste the Country without mercy. All this had its natural effect, for there appeared no disposition in the Militia to act against them till an accommodation was tried but if they had either refused reasonable terms or turned towards New York, the Country would have risen upon them to a man.

The Committee therefore prepared on their part an additional Declaration and Requisition a Copy of which is herewith produced. This having been sent to President Reed, was by him communicated to them this Day, Monday the 8<sup>th</sup>, and in the Evening they sent a written Declaration upon the terms offered them a Copy of which also accompanies this Report—about this time the Committee were

happy in receiving a Copy of Genl Washingtons letter to Genl Wayne, by which it appeared that he approved and recommended the very measures of lenity and justice which had been adopted by them, so that there would be perfect harmony on the part of the United States. President Reed adhered to his own propositions, and those of the Committee and rejected that mentioned by them of chusing an equal number of the Commissioners, who were to determine the particular claims and insisted that they should immediately accept or refuse, and if they accepted, that they should march to Trenton to have the plan carried into execution. This was accordingly agreed to. They marched next Morning and arrived at Trenton Tuesday the 9<sup>th</sup> about 2 o'clock P. M.

The Committee were at Trenton when they arrived ~~and from the disposition they were in had no apprehension of danger from them yet thought it would have an improper appearance should they continue in the power of men in arms who had not yet completed their agreement and named their officers.~~ On this account they went over the River in the afternoon and that Evening had a long and full conference with the Committee of the Council of Pennsylvania, on which they appointed Commissioners for hearing and determining the claims of the Soldiers without delay viz. Col. Atlee of the Committee of Congress, Genl Potter of the Committee of Council, Capt. Morris and Mr Blair McLenaghan of the light horse, and also determined next Morning to make a peremptory demand of the two Spies who were yet in the custody of the Soldiers. Next Morning Wednesday the 10<sup>th</sup> the Soldiers proposed an additional article that they should continue in arms till the whole Regiment were settled with and not disperse as they received their discharges. But this was by President Reed ~~who had staid on the east side of the River~~ positively refused as absurd in itself and discovering an unreasonable jealousy and a final answer to the former propositions required in two hours. Within this time they declared they were well satisfied with the nomination of the Commissioners they departed from their demand of continuing in arms after they were discharged, and promised immediately to deliver up the Spies, accordingly that Evening the Spies were sent to the Committee of Congress, a Board of officers immediately tried and condemned them, and they were executed next day the 11<sup>th</sup> at 12 o'Clock at the cross roads near the upper Ferry.



The Committee then directed the Commissioners to proceed immediately to the settlement of the claims of the Soldiers in the different Regiments, one or two Regiments were settled with before the Committee left Trenton and by the Report of General Wayne, there appeared a very general disposition in those who were discharged to reinlist, to which nothing was wanting but money to pay the Bounty in advance. One circumstance ought not to be omitted, because it does the Insurgents much honor. When they delivered up the British Spies Gov<sup>r</sup> Reed offered them 100 Guineas, which they refused saying that what they did was only a duty they owed their Country, and they neither desired nor would receive any reward, but the approbation of that Country, for which they had so often fought and bled.

From the whole of this affair thus happily terminated, your Committee humbly submit the following remarks.

1<sup>st</sup> That this disturbance however unhappy and threatening at first, has now afforded an undeniable and pleasing proof of the firm attachment of the Soldiery as well as the Country in general to the American cause. Notwithstanding the hardships which our army in general has suffered from the necessities of our affairs which have been many and great, and notwithstanding the peculiar complaints of many of the Pennsylvania line there was not the least appearance of any previous concert with the Enemy, nor any disposition to hearken to overtures when made by them. It ought not to be forgotten that the seizing of the Spies was previous to any steps being taken for accommodating the difference.

2. That all possible care should be taken to prevent for the future the enlisting of any British Deserters, perhaps also those who are now in the army should be discharged.

3. That Every State in the Union should be requested to pay the strictest attention to supplying the wants of the Army of every kind.

~~4. That the inferior officers of the army should be directed in their treatment of the soldiers never to separate severity from justice and to temper severity with mercy.~~<sup>1</sup>

*Ordered,* That the report of the committee last mentioned be referred to the committee on the letter, of 10th, from the said committee.

<sup>1</sup> This report, in the writing of John Witherspoon, is in the *Papers of the Continental Congress*, No. 20, II, folio 101.

The committee, to whom was referred the memorial of the officers of the five Pennsylvania companies of the late German regiment, delivered in a report; Whereupon,

The Committee to whom was referred the Memorial of the officers of the German Battalion beg leave to report.

That the officers were directed to march that battalion to join the Troops of Pennsylvania near Morristown by the first day of Jany. Instant.

That when they arrived with these troops on the first instant, the memorialists were dismissed the service agreeable to an act of Congress of the                    of                    for new arranging the army, by which the German Battalion was reduced.

That for the purpose of settling some regimental accounts they came to this City, on the way to their respective places of abode and not having received their pay for a number of months past are destitute of money to defray their expences in this City, or to support them on their way home. Your Committee therefore submit the following Resolution viz.

*Resolved*, That the Board of War draw a warrant on the Board of Treasury in favor of the paymaster Gen<sup>l</sup> for three months pay for each of the Memorialists to be paid in bills issued in pursuance of the act of the 18<sup>th</sup> of March last in part of the wages due to them.<sup>1</sup>

*Ordered*, That the Board of War take order for causing payment to be made to each of the said memorialists three months' pay in part of the arrears due to them, the resolution of the 4<sup>th</sup> notwithstanding, and that the same be paid in bills emitted in pursuance of the act of the 18 March last.

The Board of Admiralty, to whom was referred the report of the committee on the communications of the hon<sup>ble</sup> the minister of France, delivered in a report.

ADMIRALTY OFFICE *Jan<sup>y</sup> 23<sup>d</sup> 1781.*

The Board of Admiralty to whom the Communication of the Hon<sup>ble</sup> the Minister of France, and the report of the Committee thereon have been referred, beg leave to request, that as the said communication and report of the Committee relate to captures by

<sup>1</sup> This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 21, folio 251.

sea and the mode of their trial and adjudication in the ports of his Most Christian Majesty, and do not touch the regulations of the Navy, the Board of Admiralty may be discharged from giving any opinion thereon, and that the same be committed to the Committee appointed to form a system of regulations for captures by sea. But if the Honorable Congress should not think proper to grant their request the Board of Admiralty then submit the following amendments to their wisdom, to wit, that between the words "taken" and "armed" in the first line, and between the words "by" and "armed" in the fourth line, the words "Privateers and other" should be inserted and that the words "and navigated" should be inserted between the words "out" and "by" in the first line of the said Report.

The reason for their first proposed amendment is that altho' Privateers are armed Vessels, yet Privateers are defined to be "Vessels of War armed and equipped by particular merchants and furnished with a military Commission to cruise against the Enemy" &c, and the transportation of merchandize may be the chief business of *an armed Vessel*. The reason for the last proposed amendment is that "fitting out" is "the act of providing a Ship with a *sufficient number of men to navigate and arm her for attack or defence*, also to furnish her with proper masts &c together with sufficient provisions for the Ships Company:" and this Board conceive that his Most Christian Majesty will not permit Privateers and armed Vessels belonging to these States to be manned in his Ports with Seamen (his Subjects) and further that if it should be permitted that Privateers and armed Vessels belonging to the Subjects of his Most Christian Majesty should be manned with Seamen (Citizens) of these States, the manning of the Navy and the Commerce, as well as Privateering of these States might be obstructed, and perhaps the recruiting of its armies impeded.<sup>1</sup>

According to order, Congress was resolved into a Committee of the Whole, to consider farther the reports on finance, and after some time the President resumed the chair, and Mr. [John] Mathews reported, the Committee have had under consideration the reports referred to them, but not having come to a conclusion desire leave to sit again:

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 37, folio 339.

*Ordered*, That to Morrow Congress be resolved into a Committee of the Whole, to consider farther the reports on finance.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 25, 1781

A letter, of 23, from Mr. S. Attle, was read;<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Alexander] McDougall, Mr. [Abraham] Clark, Mr. [John] Sullivan.

A letter, from Doctor Gould, was read;

*Ordered*, That it be referred to the Medical Committee.

A letter, of Captain Paske, was read;<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

Two reports from the Board of War one on a letter, of 24, and the other on a letter, of 13, from Colonel Armand, were read;

AT A BOARD OF WAR, Jan<sup>y</sup> 24, 1781.

Present M<sup>r</sup> Peters

Gen<sup>l</sup> Cornell.

SIR

The enclosed letter from Col Armand is agreeable to his request therein laid before Congress. The Board presumed that as Col Armand is going to Europe and will not otherwise have an opportunity of partaking in the Provision made or to be made by Congress for the payment of the Army it should seem that there can be no cause of jealousy if Congress are pleased to direct,

That the Treasury Board report a warrant in favor of Col Armand for seven hundred and twelve dollars and an half, the same being the amount of his pay and subsistence for six months.<sup>3</sup>

<sup>1</sup> This letter, from Samuel J. Atlee, is in the *Papers of the Continental Congress*, No. 78, I, folio 395.

<sup>2</sup> Captain Paschke's letter, dated January 22, is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 345.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 103.

*Ordered*, That the same be referred back to the Board of War to take order, the resolution of the 4th notwithstanding.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That upon the application of the hon<sup>ble</sup> Cyrus Griffin, one of the judges of the Court of Appeals in Cases of Capture, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for one thousand dollars new emissions, on account of salary due to him and for which he is to be accountable.<sup>1</sup>

On the application of Mr. [William] Sharpe, a delegate for the State of North Carolina:

*Ordered*, That a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania for twenty thousand dollars old emissions, and for which the said State of North Carolina is to be accountable.

According to the order of the day, Congress was resolved into a Committee of the Whole, and after some time the President resumed the chair and Mr. [John] Mathews reported, that the committee have had under consideration the reports referred to them, but not having come to a conclusion desire leave to sit again:

*Ordered*, That to Morrow Congress be resolved into a Committee of the Whole to consider farther the reports referred to them.

A report from the Board of Treasury was read, respecting the owners of rum taken for the use of the army:

TREASURY OFFICE, *January 22<sup>d</sup> 1781.*

The Board of Treasury finding themselves greatly embarrassed by endeavouring to carry into Execution the Resolution of Congress of the 4th instant, relative to certain Quantities of Rum taken for the

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 57.

Use of the Army, and other Quantities purchased on Special Contract, beg leave to state the Matter for Instruction.

The several Claimants under the Resolution aforesaid have had their Accounts stated by the Agent of the Commissary General of Purchases, stating the Articles charged, "at their just Value estimated by the current Price of such Articles at the Time and Place when and where taken". Those who had their Property taken in June last, have considered the Value of Money *then*, at sixty paper dollars for one Silver dollar, and now consider the Rate of Exchange at one hundred of the former for one of the latter. Of Consequence they have added to their Accounts from June last to the present Time 40 per cent Depreciation. Those who had their Property taken in September last do consider that at that Time the Current Rate of Exchange was 75 Paper dollars for one Silver, and as in the Case above stated have brought the Rate of Exchange up to one hundred for one, making a Charge for Depreciation of 25 Per Cent from September last to the present Time.

The Claimants are willing to receive Payment in the money of the old Emissions agreeably to the State of their Accounts as aforesaid which appears to have been the Intention of Congress by their Resolution aforesaid and one other of the 8th instant repealing a part of the Resolution of the 4th. But this Board not having it in their Power to report Payment in the Money of the former Emissions, and Congress not having fixed any Rate of Depreciation since the 18 of March last renders the present Case difficult.

The well known Mercantile Exchange between the Money of the old Emissions, and Gold, is one hundred for one, and the legal Exchange, as established by a Law of the State of Pennsylvania, is not more than seventy five for one—evidently produces a difference of 25 per cent between the true Value of the Money of the old Emissions, if Gold and Silver be considered the Criterion.

The Claimants alledge that in the stating of their Accounts they had respect to Mercantile Rate of Exchange only, so, in the Payment, it is but equitable to observe the same Rule, for at the Time they admit Depreciation was 60 and 75 for one in June and September last, Congress by their Publications admitted of no greater Depreciation than 40 for one. That if the Mercantile Depreciation is admitted in the first Instance it should also in the second—Otherwise they say they are willing to receive the Amount of their original

Claim without any Allowance for Depreciation, agreeably to the Regulation of 40 for one.

The Claim reduced to Calculation stands as follows—

The Amount of the several Claims for Rum, now before the Board, exclusive of Interest and depreciation is 1,028,020 dollars. This Sum divided by 40 will give 25,700 dollars in the New Bills—The same Claim including Depreciation and Interest charged in their Accounts upon the Principles aforesaid, amounts to 1,605,196 dollars of the old Bills which Sum divided by 75 gives 21,402 dollars in the New Bills—Balance in favor of this Payment 4298 Specie dollars; but if the Claim aforesaid of 1,605,196 dollars be divided by one hundred, which they say by their Accounts is the Mercantile Depreciation, the Specie Dollars to be paid them will be 16,051. This Payment will not be accepted, tho' it is most certainly the true Exchange supposing the new Bills to be equal in Value to Silver and Gold. But as those Bills have and now do pass, this Payment would be 25 Per Cent under the real Value of their Claim.

The Board verily believe that some, if not all of the Claimants are in the utmost Distress for want of their Money and as it is a subject of no small Magnitude hope it will Claim the Attention of Congress, not only as it respects the present Claimants, but as it relates to monied Matters generally.

This Debt being so considerable the Board cant even suggest to Congress how Payment shall be made, unless by a Warrant on the Loan Officer of Massachusetts Bay, where there is more than a sufficient for this Purpose; but as the Money is wanted in this City, where the Massachusetts Money passes very heavily even at 40 for one, the Claimants will receive Payment in that money reluctantly.

In the Opinion of the Board it has been mistaken Policy in the States that they have not made the whole of the Emissions of the 18 of March last legal Tender, for altho particular States have provided Funds for the Redemption of certain Stipulated Sums, yet, ought not the whole of that Emission to be considered as the Money of the United States, and in that View obtain a Credit in every State, upon the same Principles the Money of the old Emissions did. Unless the States do attend to this Matter public Business must be greatly obstructed.

The Board beg leave to submit it to Congress, whether it is not indispensibly Necessary, that they should immediately recommend

it to the several States, to pass Laws making the money issued in all the States, respectively, under the Act of the 18 of March last, a legal Tender in all Cases whatever.<sup>1</sup>

*Ordered*, That it be referred to the committee to whom was formerly referred the memorial from Mat McConnel and others.

A letter, of this day, from the Board of War, was read, informing that for reasons therein set forth they have suspended a compliance of the order of yesterday respecting the officers late of the German regiment;<sup>2</sup>

*Resolved*, That Congress approve the conduct of the Board.<sup>3</sup>

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 26, 1781

A letter, from sundry officers late of German battalion, was read.<sup>4</sup>

A memorial, from Samuel Hodgdon, was read;

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Artemas] Ward, Mr. [John] Sullivan, Mr. [Alexander] McDougall.

A letter, of 25, from J. Pierce, paymaster general, was read;<sup>5</sup> Whereupon,

*Resolved*, That the allowance of five dollars per month, to the officers of the army, for each retained ration, granted by an act of Congress of the 12 day of August last, shall commence on the first day of August, 1780:

That the additional pay of aids-de-camp, brigade-majors, adjutants and regimental quartermasters, as mentioned in

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 43.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 295.

<sup>3</sup> A memorial of Edward West was read on this day as the indorsement shows. It is in the *Papers of the Continental Congress*, No. 41, X, folio 536.

<sup>4</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 119.

<sup>5</sup> Hodgdon's memorial is in the *Papers of the Continental Congress*, No. 41, IV, folio 157; Pierce's letter is in No. 165, folio 581.



the act of Congress of the 12th of this instant be drawn in bills of the new emission, from and after the first day of August last, instead of the 18 day of the same month, as mentioned in the above-mentioned resolution.

A memorial of Robert Aitkin was read:<sup>1</sup>

*Ordered*, That it be referred to the committee on the motion for printing the old and new Testament.

That Mr. [John] Witherspoon be added to the said committee, in the room of Mr. [James] McLene.

A report from the Board of Treasury on a letter, of 18, from J. Howell, one of the auditors of the main army, was read:

TREASURY OFFICE *Jan<sup>y</sup> 24<sup>th</sup> 1781*

The Board of Treasury beg leave to lay before Congress, a letter of the 18<sup>th</sup> inst. from Joseph Howell Jun<sup>r</sup> one of the Auditors of accounts for the main Army setting forth the necessity of some further regulations respecting the pay of their Clerks—M<sup>r</sup> Howell is more urgent for the determination of Congress on this matter, as Col. Dart (who is setting out for the southern Army) may before he leaves this City obtain the necessary information relative to this matter.<sup>2</sup>

*Ordered*, That it be referred to the committee to whom was referred the memorial of Samuel Hodgdon.

A report of 19 and one of 20, from the Board of Treasury, were read.

*Ordered*, That they be re-committed.

According to order, Congress was resolved into a Committee of the Whole, and after some time the President resumed the chair, and Mr. [John] Mathews reported that the Committee have farther considered the reports referred to them, but, not having come to a conclusion, desire leave to sit again:

<sup>1</sup> Aitken's memorial is in the *Papers of the Continental Congress*, No. 41, I, folio 63.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 55.

*Ordered*, That to Morrow Congress be resolved into a Committee of the Whole, to consider farther the reports on finance.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 27, 1781

A letter, of this day, from J. Pierce, was read, requesting permission to repair to the army;<sup>1</sup>

*Ordered*, That it be granted.

A petition of Robert Jewell was read;

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 19, from E. Blaine, was read;<sup>2</sup>

*Ordered*, That copies thereof be sent to this and the states easterward.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of Mr. [George] Walton, Mr. [William] Few and Mr. [Richard] Howly, delegates for the State of Georgia, a warrant issue in their favour on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for two thousand six hundred and sixty-three dollars and one-third of a dollar, old emissions, to enable the said delegates to pay so much due to R. Aitkin on account of the said State of Georgia which is to be accountable.<sup>3</sup>

The committee to whom was referred the petition of George Wright and others delivered in a report; Whereupon,

*Ordered*, That the petition of George Wright and others be referred to the Commander in Chief and that he be

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 165, folio 585.

<sup>2</sup> Jewell's petition is in the *Papers of the Continental Congress*, No. 42, IV, folio 50; Blaine's letter is in No. 165, folio 389.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 69.

authorised to take such measures respecting the petitioners as he shall think proper.<sup>1</sup>

The committee to whom was referred the letter, of 22, from A. Skinner delivered in a report, which was read, and after debate;

*Ordered*, That it be re-committed.

A report from the Board of Treasury was read; Whereupon,

Treasury Office Jan'y 26<sup>th</sup> 1781.

The Board of Treasury having considered the letters of 22<sup>nd</sup>, 24<sup>th</sup> and 26<sup>th</sup> instant from John Pierce Pay Master Genl. beg leave to report.

That warrants issue on Thomas Smith Commissioner of the Continental Loan Office for the State of Pennsylvania, in favor of John Pierce Pay Master Genl. for fourteen thousand dollars in the old Emissions and four thousand eight hundred dollars in the new Emissions to enable him to discharge Sundry warrants drawn on the Chest by the Board of War, and also a warrant on Thomas Smith aforesaid for twelve hundred and twelve dollars New Emissions to discharge two warrants drawn by the said Board in favor of Colonel Armand and Ensign Henry Baker by special direction of Congress and for which several sums he is to be accountable.

*Ordered*, That warrants issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of John Pierce, paymaster general, for fourteen thousand dollars in the old emissions, and six thousand and twelve dollars in the new emissions to enable him to discharge sundry warrants drawn on the chest by the Board of War, and for which several sums he is to be accountable;

That a warrant issue on the treasurer in favour of Robert Stevens the holder of two bills of exchange for the sum of five hundred dollars old emissions to discharge two bills of exchange the first of each set for two hundred and fifty

<sup>1</sup> This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, VI, folio 601. The petition, dated November 5, 1780, is in the *Washington Papers*, 96, folio 64.

dollars each drawn by John Ash treasurer of the State of North Carolina at sight on the continental treasurer in favour of Benjamin Pike one dated the 9 and the other the 10th May, 1777, in part of the sum of five hundred thousand dollars to be advanced to the said State of North Carolina agreeably to the act of Congress of 5 February, 1777, and for which the said State is to be accountable.<sup>1</sup>

Another report from the Board of Treasury was read; Whereupon,

*Resolved*, That the resignation of John Biddle, lately appointed a commissioner to burn the money sent, and to be sent, by the commissioners of the several loan-offices, to the treasury of the United States, be accepted, and that Mr. Andrew Doz, the commissioner appointed to destroy the emissions of May, 1777, and April, 1778, in the hands of the treasurer of loans, be, and is hereby appointed to execute the trust assigned to the said John Biddle.<sup>2</sup>

Adjourned to 10 o'Clock on Monday.

MONDAY, JANUARY 29, 1781

Mr. J[oseph] Jones, a delegate of Virginia, attended and took his seat in Congress.

A letter, of 23, from General Washington, was read;

A letter, of 26, from Lieutenant Colonel Diriks;

One, of 18, from P. Schuyler;<sup>3</sup> and

A memorial of Christopher Ludwick, were read:<sup>4</sup>

*Ordered*, That they be referred to the Board of War.

A letter, of 26, from J. Gibson, was read:

*Ordered*, That it be referred to a committee of three.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 61.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 59.

<sup>3</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, 1X, folio 515; Diriks's is in No. 78, VII, folio 339; Schuyler's is in No. 153, III, folio 555.

<sup>4</sup> Ludwick's memorial is in the *Papers of the Continental Congress*, No. 41, V, folio 230.

The members, Mr. [Thomas] Burke, Mr. [James] Lovell, Mr. [William] Floyd.

A letter from R. Peters, and a letter from Baron d'Arendt were read.<sup>1</sup>

A petition of Thomas Nelmes was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of Treasury to be filed with other papers of a similar nature.

A memorial of W. Bingham was read; Whereupon,

*Ordered*, That the committee on his former memorial be discharged and that the papers and business committed to them be referred together with this memorial to the Committee of Commerce.

The delegates for New York laid before Congress a letter from the president of the senate and speaker of the house of assembly of that State, which was read:<sup>3</sup>

*Ordered*, That it be referred to a committee of five.

The members, Mr. [John] Sullivan, Mr. [Abraham] Clark, Mr. [John] Mathews, Mr. [Thomas] Burke, Mr. [Jesse] Root.

Two letters, of 15, from the governor of Virginia were read:<sup>4</sup>

*Ordered*, That they be referred to a committee of three and that the committee confer with the Board of War.

The members, Mr. [Thomas] Burke, Mr. [Joseph] Montgomery, Mr. [Theodorick] Bland.

A letter, of 18 January, from the governor of Virginia, was read:

*Ordered*, That so much thereof as relates to a supply of ammunition and military stores be referred to the Board of War.

<sup>1</sup> Peters's letter, dated January 27, is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 357; d'Arendt's, dated January 29, is in No. 78, VII, folio 343.

<sup>2</sup> This petition is in the *Papers of the Continental Congress*, No. 42, V, folio 429.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 340.

<sup>4</sup> One of the letters is in the *Papers of the Continental Congress*, No. 71, II, folio 5; the other on folio 9.

A letter, of December 25, and

One, of January 17th, from the governor of Virginia, was read;

A letter, of December 25, and one, of November 26, from Major General Gates, were read;<sup>1</sup>

A number of letters, from the hon<sup>ble</sup> J. Adams were received under the following dates: Aug. 14, Aug. 22, Aug. 23, Aug. 24, Sept. 4, 5, 16, 19, 24, 25, 28, Oct. 5, 5, 6, 14, 24.<sup>2</sup>

On motion of the Medical Committee;

*Ordered*, That a warrant issue upon Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Thomas Bond, purveyor of the hospital, for twenty thousand dollars of the old emissions, to be applied towards establishing a hospital in Virginia and to enable proper officers to repair thither as soon as possible.

The committee to whom was re-committed the report on the letter of A. Skinner, commissary general of prisoners, delivered in a report; Whereupon,

*Resolved*, That the clause in the act of Congress of the 5th which directs "that the Board of Admiralty issue orders not to exchange any British sea officers or seamen until the enemy shall have returned to some of their garrisons in America such seamen as they have taken upon the American coast and sent to Great Britain or other parts beyond sea" be and is hereby ~~suspended until further order of Congress~~ repealed.<sup>3</sup>

[*Resolved*, That in retaliating for cruelties exercised by the enemy upon American citizens officers or privates; where there shall not be a sufficient number of the enemy in our power, of the same line,

<sup>1</sup> The Virginia letter of December 25 is in the *Papers of the Continental Congress*, No. 71, I, folio 547; that of January 17 in No. 71, II, folio 13; that of January 18, on folio 21. Gates's letter of November 26 in No. 154, II, folio 323, his letter of December 25 being on folio 341.

<sup>2</sup> The Adams letters, except that of August 24, are printed in the *Diplomatic Correspondence of the American Revolution*, (Wharton), IV, 29, 36, 41, 45, 57, 60, 66, 67, 72, 81, 82, 83, 97 and 103.

<sup>3</sup> This resolution was also entered in the manuscript *Secret (Domestic) Journal*.

rank or character; no discrimination be made, between prisoners taken from the enemy in the land or sea service, but that those of either line and other subjects of the enemy be retaliated upon as occasion may require.]<sup>1</sup>

*Ordered*, That the remainder of the report be postponed.  
Adjourned to 10 o'Clock to Morrow.

TUESDAY, JANUARY 30, 1781

The committee to whom was referred the letter of Colonel Armand, of the 24, delivered in a report, which was read:

The Committee to whom was referred the letter of Col<sup>o</sup> Armand of the 24<sup>th</sup> Instant beg leave to submit the following resolution,

*Resolved*, That the money for purchasing horses for Col<sup>o</sup> Armand's legion, be paid to the Commanding Officer of the Legion who is to take instructions from the Commander in Chief as the rule of his conduct in purchasing the horses. The price is not to exceed an hundred and fifty dollars nor is the purchaser to be allowed for any horse which shall not be approved by such Inspector as the Commander in Chief shall appoint.<sup>2</sup>

*Ordered*, That it be re-committed.

A letter, of 26, from Mr. Lotbinier, was read:

*Ordered*, That it be referred to the Board of Treasury.

The delegates of Georgia laid before Congress a letter from Peter Deveaux, which was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of War to take order.

Congress was resolved into a Committee of the Whole, and after some time the President resumed the chair, and Mr. [John] Mathews reported that the Committee have had

<sup>1</sup> This report, in the writing of Abraham Clark, except the paragraph in brackets, which is in Alexander McDougall's writing, is in the *Papers of the Continental Congress*, No. 19, V, folio 341.

<sup>2</sup> This report, in the writing of John Sullivan, undated, is in the *Papers of the Continental Congress*, No. 19, I, folio 89.

<sup>3</sup> Lotbinier's letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 415; Deveaux's letter is in No. 78, VII, folio 347.

under their farther consideration the reports on finance, but not having come to a conclusion desire leave to sit again:

*Ordered*, That to Morrow Congress be resolved into a Committee of the Whole to consider farther the reports on finance.

On the application of Mr. [Richard] Howly, a delegate for the State of Georgia;

*Ordered*, That a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office in the State of Pensylvania, for twelve thousand dollars ~~in lieu of the warrant drawn in his favour on the treasurer, the 12th day of December, 1780, for a like sum, which is to be canceled,~~ the State of Georgia to be accountable.

A report of the Board of Treasury was read; Whereupon,

TREASURY OFFICE Jan<sup>r</sup>. 29<sup>th</sup>. 1781

A certificate from the commercial Committee dated November 24<sup>th</sup>. 1780 signed John Fell certifying a balance due to James Warren for 32,553 dollars and  $\frac{2}{3}$ ths of a dollar in common money—and also £62.. 0. 0 sterling, “due to the owners of the *Lively*, Capt Dupee for freight from Bilboa,” which certificate was on the 28<sup>th</sup> of November last “referred to the Board of Treasury to devise ways and means for paying the money certified to be due to M<sup>r</sup> Warren” whereupon the Board submit the following resolution:

*Ordered*, That a warrant issue on Henry Gardner, treasurer of the State of Massachusetts, for thirty two thousand five hundred and fifty three dollars and two-ninetieths of a dollar, old emissions, in favour of the Committee of Commerce (being part of the monies raised in the said State for the use of the United States) which sum when paid to be credited on the warrant drawn in favour of the treasurer of the United States in pursuance of an act of Congress, of the 29 June last, to enable them to pay that sum to James Warren, the balance due to him as certified by the said committee and for which the said committee is to be accountable;

That an account be opened in the treasury books for *The Owners of the Lively*, and that the said account be credited



for sixty-two pounds sterling, the sum due to them, as certified by the Committee of Commerce, for freight from Bilbao, to bear an interest of six per cent. per annum until paid.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 31, 1781

A letter, of 18, from the governor of Connecticut, was read, enclosing a letter, of 14 December, from William Imly, appointed commissioner of the continental loan office in that State, in the room of J. Lawrence resigned:

*Ordered*, That the same be referred to the Board of Treasury, to report on the salary or commissions proper to be allowed to officers of the continental loan offices.

Another letter of 18, from Governor Trumbull, was read, enclosing a resolution, passed by the general assembly of that State, the 29 November last, respecting the requisitions of Congress; and wherein it is represented, "that upon good information, there is reason to apprehend that there has been great loss and spoil of cloathing belonging to the United States, for want of proper care and attention to that department;" also a resolution of the said general assembly, passed in October last, respecting the cession and relinquishment of western territory to the United States.

*Ordered*, That the resolution of November be referred to a committee of three;

The members, Mr. [James] Duane, Mr. [George] Clymer and Mr. [William] Sharpe.

*Ordered*, That the resolution of October, together with the acts and resolutions of the State of New York and the Commonwealth of Virginia, on the same subject, be referred to a committee of seven;

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 75.

The members, Mr. [John] Witherspoon, Mr. [James] Duane, Mr. [Jesse] Root, Mr. [Samuel] Adams, Mr. [John] Sullivan, Mr. [Thomas] Burke, Mr. [George] Walton.

A letter, of this day, from Captain Anthony Selin, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War to take order.

The committee to whom was referred the letter of Joseph Howell, auditor of accounts for the main army, and the report of the Board of Treasury thereon, delivered in a report; Whereupon,

*Resolved*, That the auditor of accounts for the main and separate army, be, and hereby are authorised to allow to each of their clerks, from and after the first day of August last, forty-one dollars and two-thirds of a dollar a month, in bills emitted pursuant to the act of the 18 of March last, and one ration a day.<sup>2</sup>

The committee to whom was referred the memorial of Samuel Hodgdon, delivered in a report; Whereupon,

*Resolved*, That the commissary of military stores, or first officer in that department, be, and hereby is allowed, from and after the first day of August last, one hundred and fifteen dollars a month, in bills emitted pursuant to the act of the 18 of March last; and that the deputy commissary or second officer in that department, be, and hereby is allowed, from the said first day of August, the sum of ninety dollars per month, in bills aforesaid; in lieu of the sums allowed them respectively by the resolution of the 12th instant.<sup>3</sup>

<sup>1</sup> The Connecticut letter enclosing resolutions is in the *Papers of the Continental Congress*, No. 66, II, folio 174; the resolution of October is on folio 178 and that of November on folio 117; Selin's letter is in No. 78, XXI, folio 5.

<sup>2</sup> This report, in the writing of Artemas Ward, is in the *Papers of the Continental Congress*, No. 19, III, folio 245.

<sup>3</sup> This report, in the writing of Artemas Ward, is in the *Papers of the Continental Congress*, No. 19, III, folio 145.

The committee to whom was referred the extract from a report of the Board of Treasury, of January 2; and

The committee to whom was referred the report of the Board of Treasury, of the 22, relative to the owners of Rum, &c., delivered in their several reports:

The Committee to whom was referred the extract of a report from the Board of Treasury of the 2<sup>d</sup> January beg leave to report,

That on considering the several principles proposed for liquidating the debts due by the United States they know of no rule so nearly coinciding with the rule of right and justice, or so well calculated to give general satisfaction as that by which the value of the debts may be ascertained in gold and silver as reduced from the old Continental money in which they were incurred at the exchange current at the times when and places where they were so incurred.

They therefore offer the following resolution as a rule to be observed in the liquidation of all the unsatisfied demands against the United States, Loan office certificates excepted, which are otherwise provided for, and excepting specific supplies furnished by the several states and credited towards the respective quotas, and this to supersede, and repeal all other regulations of Congress now subsisting which respect either the prices of articles furnished the United States or the modes of settlement.

*Resolved*, That the Treasury Board from the best informations they can obtain, and as soon as may be, prepare for the consideration and correction of Congress a table of the actual popular and mercantile value of the old Continental currency as compared with gold and silver in all its stages of depreciation to the present time in the states respectively.<sup>1</sup>

The Committee to whom was referred the report of the Board of Treasury respecting the pay of certain quantities of rum furnished to the Army in 1780, Report,

That they have attentively considered the report of the Board of Treasury and are of opinion that the just rule of settlement will be

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 26, folio 247. It is indorsed by Thomson: "Report of Committee on the report of Board of Treasury January 2 respecting the value of articles furnished by individuals to the public. A mode of ascertaining the value." It appears in the list of postponed reports in the *Papers of the Continental Congress*, No. 31, 371.

to pay the creditors in specie equal to the price of the article in old Continental bills, at the current rate of exchange at the time and place of receiving the articles and interest or to pay the sum in the old Continental bills with the depreciation since arisen and interest.

But as payment cannot be made in either specie or old Continental bills, and as the creditors decline accepting the new Continental bills equal to specie and as your Committee conceive that Congress will not at this time admit any distinction to be made between the new bills and specie, Congress must either wholly suspend payment or make advances in part payment to be in accompt. If Congress should be of the latter opinion then it may be proper to resolve—

That the Board of Treasury be directed to draw warrants for new Continental bills in favor of the creditors of these States to whom balances shall be found due in part payment of such balances to be in accompt.<sup>1</sup>

*Ordered*, That the letter, of October 14, from the hon<sup>ble</sup> J. Adams, be referred to the Committee of Commerce.

Congress was resolved into a Committee of the Whole, and after some time the President resumed the chair and Mr. [John] Mathews reported that the Committee have considered farther the reports on finance and have come to certain resolutions, which he was directed to submit to the consideration of Congress; but not having yet come to a conclusion desire leave to sit again.

The report of the Committee of the Whole being read:

In Committee of the Whole Jan<sup>y</sup> 24. 1781.

Mr [John] Mathews in the chair.

*Resolved* as the opinion of this Com<sup>ee</sup>

That it be recommended to the several States as indispensibly necessary, that ~~they pass laws granting to~~ Congress, for the use of the United States, to be paid quarterly into the hands of such persons as Congress shall appoint to receive the same; and to be appropriated to the discharge the principal and interest of the debts already contracted or which may be contracted on the faith of the United States for supporting the present war, and to continue until such debts

<sup>1</sup> This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 19, IV, folio 17.

shall be discharged, a duty of ~~four~~ five per cent upon the value of all goods, *as well prize goods as others*, at the time and place of importation, upon all articles of foreign growth or manufactures which may be imported into any of the States from any foreign port, island or plantation after the first day of May 1781, except arms, ammunition, cloathing and other articles imported on account of the United States, or any of them, and except wool and cotton cards, and wire for making them; and also except salt during the war.

That it be further recommended to the respective legislatures to call out of circulation as soon as shall be consistent with their public faith pledged for remitting the same, all their state emissions, and not to issue any more but by advice or consent of Congress, that the paper bills in circulation flowing from one source may be readily ascertained.<sup>1</sup>

*Ordered*, That the same be considered to Morrow:

*Ordered*, That to Morrow Congress be again resolved into a Committee of the Whole, to consider farther the reports on finance.

A letter, from Governor Livingston, was read:

*Ordered*, That it be referred to the Board of War.

Adjourned to 10 o'Clock to Morrow.

#### THURSDAY, FEBRUARY 1, 1781

A letter, of 31 January, from Doctor Gould, was read:<sup>2</sup>

On motion of the medical committee,

*Resolved*, That the purveyor of the hospital be, and hereby is empowered and directed to collect, or cause to be collected and secured under his care, until properly issued, all public hospital stores and medicines in Virginia, late under the direction of Dr. Rickman, or others acting under the United States, and all persons in possession of such public stores or medicines, are hereby required to deliver the same to the said purveyor, or his order, upon demand.

<sup>1</sup> This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 26, folio 249. See the resolutions finally adopted February 3.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 285.

~~That the medical committee be authorized during the absence of the director to direct a number of the hospital physicians and mates to repair immediately to Virginia and take the charge of the hospitals in that state~~<sup>1</sup>

A motion was made by Mr. [Theodorick] Bland, seconded by [Mr. George] Walton, respecting the hospitals for the southern army:

*Ordered*, That it be referred to the Medical Committee.

*Ordered*, That Mr. [Alexander] McDougall be added to the committee on the letter, of 20 December, from General Washington.

A report from the Board of War was read: Whereupon, Congress came to the following resolution:

AT A BOARD OF WAR *Jan<sup>y</sup> 31<sup>st</sup> 1781*

Mr Peters

Gen<sup>l</sup> Cornell

The Board having taken into consideration the very great and unnecessary expence arising to the public from the abuse of the practice of sending officers on Command, beg leave to report:

Whereas, by the late arrangement of the army, there is a supernumerary officer allowed to each regiment, to reside in the State to which such regiment belongs, for the purpose of transacting all necessary business for the regiment; therefore,

*Resolved*, That the resolution of the 4th of September, 1778, allowing officers three dollars a day for expences on business not incidental to their offices, be, and is hereby repealed, from and after the first day of March next;

And that copies hereof be transmitted to the Commander in Chief and the commanding officer of the Southern army<sup>2</sup>

Mr. [Artemas] Ward laid before Congress an account of the select men of Springfield and West Springfield against the United States:

<sup>1</sup> This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, I, folio 121.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 115.

*Ordered*, That it be referred to the Board of Treasury.

A letter, of this day, from the president of the supreme executive council of the State of Pennsylvania, was read, requesting that a committee may be appointed to meet and confer with the said council:<sup>1</sup>

*Ordered*, That a committee of three be appointed for the purpose above mentioned.

The members, Mr. [John] Witherspoon, Mr. [Oliver] Wolcott, Mr. [Thomas] McKean.

Congress took into consideration the report of the Committee of the Whole, and the first resolution being read, "that it be recommended to the several states as indispensably necessary, that they pass laws, granting to Congress, for the use of the United States, &c. a duty of five per cent. on goods, &c. imported," &c.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [John] Mathews, to strike out the words "pass laws granting to," and in lieu thereof, insert "vest a power in," and after the word "Congress," to insert the words "to levy;" and on the question, shall the words moved to be struck out stand? the yeas and nays being required by Mr. [Thomas] Burke:

<i>New Hampshire</i> ,			<i>New Jersey</i> ,		
Mr. Sullivan,	ay	} ay	Mr. Witherspoon,	ay	} ay
<i>Massachusetts</i> ,			Clark,	ay	} ay
Mr. Lovell,	no	} div.	<i>Pennsylvania</i> ,		
Ward,	ay	} div.	Mr. Montgomery,	ay	} ay
<i>Connecticut</i> ,			Clymer,	no	} ay
Mr. Huntington,	no	} no	Wynkoop,	ay	} ay
Root,	no	} no	<i>Delaware</i> ,		
Wolcott,	no	} no	Mr. McKean,	no	} no
<i>New York</i> ,					
Mr. Floyd,	no	} no			

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 327.

<i>Virginia,</i>			<i>South Carolina,</i>		
Mr. Jones,	ay	} ay	Mr. Mathews,	no	} ay
Madison,	ay		Bee,	ay	
Bland,	no		Motte,	ay	
<i>North Carolina,</i>			<i>Georgia,</i>		
Mr. Burke,	no	} no	Mr. Walton,	no	} no
Sharpe,	no		Few,	no	
			Howly,	no	

So the states were equally divided, and the words were struck out.

Adjourned to 10 o'Clock to Morrow.

#### FRIDAY, FEBRUARY 2, 1781

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *Feb<sup>y</sup> 1<sup>st</sup> 1781*

Mr Peters

Gen<sup>l</sup> Cornell

Mr Mathews

The Board have considered the extract from Governor Jefferson's letter, referred to them, beg leave to inform Congress that thirty four thousand four hundred dollars of the old money will be necessary to furnish such articles as are wanted for Virginia, and are not on hand as will appear from the estimate enclosed. Wherefore the Board beg leave to report.

*Ordered,* That the Board of Treasury report a warrant in favour of the commissary general of military stores for thirty-four thousand four hundred dollars for the purchase of sundry articles to be forwarded to the southern army.<sup>1</sup>

The Board of War, to whom was referred the letter of Captain Paschke, delivered in a report; Whereupon,

AT A BOARD OF WAR *Jan<sup>y</sup> 26<sup>th</sup> 1781*

Present Mr Peters

Gen<sup>l</sup> Cornell

The Board having considered the letter of Capt<sup>y</sup> Paschi referred to them, beg leave to remind Congress, that in consequence of his application for a sum of money to enable him to return to Europe

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 119.



(he despairing at that time of employment in the American Army) it was resolved on the 16<sup>th</sup> of May last, "That the sum of three thousand dollars currency of these United States, and a bill of exchange for two hundred and fifty dollars in Specie be paid to Capt<sup>a</sup> Paschi late of Count Pulaski's legion (which being dissolved Congress have no means of employing Capt<sup>a</sup> Paschi, tho a deserving Officer) to enable him to return to Europe." From this resolution, with which Captain Paschi at the time of its passing appeared perfectly satisfied, the board conceive he can have no right to the claim contained in his letter "of depreciation and half pay"—but as it appears from the instructions of the late Baron De Kalb, and the certificate of Gen<sup>l</sup> Gates, that he has since been usefully and actively employed with the Southern Army, something may be due to him from the generosity of Congress.—of this however Congress will judge,—the Board cannot consider him in any other light than as a discharged Officer, who since his dismissal has volunteered it with the Army, and under this Idea they submit the following Resolution:

*Resolved*, That Captain Paschke, late of the American army, be informed that the request contained in his letter of the 22d inst. to be allowed depreciation and half-pay cannot be complied with.

But if Congress conceive that something is due to him for his services with the Southern Army, they will in that case be pleased to resolve:

*Ordered*, That the Board of Treasury report a warrant in favour of Captain Paschke, late of the army of these states, for three hundred dollars of the new emissions, for his services with the southern army since the resolution of the 16 day of May last.

The Board have inserted three hundred dollars that sum being six months pay without subsistence, he having been allowed advantages by Gen<sup>l</sup> Gates equal to his subsistence.<sup>1</sup>

On the application of Mr. [John] Sullivan, a delegate for the State of New Hampshire,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 111.

*Ordered*, That the Board of War advance to John Nesmith, so much money as they may judge reasonable and necessary, to enable him to return home; and make report to the Board of Treasury of the sum so advanced, that the same may be charged to the State of New Hampshire, which is to be accountable.<sup>1</sup>

The committee appointed to meet and confer with the supreme executive of Pennsylvania made report.

The delegates of Pennsylvania laid before Congress a letter of this day to them, from the president of the supreme executive council of Pennsylvania, enclosing a copy of a letter from the same to Major General St. Clair, which were read;<sup>2</sup> Whereupon,

*Ordered*, That the President inform the supreme executive council of Pennsylvania, that Congress have not been insensible of the sufferings of the army for want of pay: that on the 15 of last month they did, in the most earnest manner, apply to the respective states, from Pennsylvania to New Hampshire, both inclusive, for a sum of money for the immediate pay of the army composed of the line of those states: that the whole line is equally the object of the care and attention of Congress: that as soon as the circumstances of the public treasury will admit, the just claims of the army shall be satisfied; but that Congress cannot, in any circumstance, make a distinction between the troops of any one State and those of another.

On motion of Mr. [Oliver] Wolcott,

*Resolved*, That he be ~~discharged~~ excused from any farther attendance at the Board of Treasury.

TREASURY OFFICE Jan<sup>y</sup> 31<sup>st</sup> 1781

The Board of Treasury report—for the information of Congress—That by a letter from Nathaniel Appleton Loan Officer for Massachu-

<sup>1</sup> Ezekiel Cornell's letter to John Sullivan relative to Nesmith is in the *Papers of the Continental Congress*, No. 78, VI, folio 7.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 69, II, folio 331.

setts dated the 10<sup>th</sup> instant they are informed the bills of exchange directed by Congress on the 30<sup>th</sup> of August last to the amount of 29,105 dollars drawn on the honorable Benjamin Franklin for the purpose of paying that sum to John Gartia Duarti were not all necessary for the discharge of that debt and that there are now in the hands of the Loan Officer aforesaid eleven thousand one hundred and five dollars, part of the bills aforesaid subject to the further direction of Congress.<sup>1</sup>

Congress took into consideration the report of the Committee of the Whole, and, after debate,

Adjourned to 10 o'Clock to Morrow.

#### SATURDAY, FEBRUARY 3, 1781.

Mr. Thomas Smith, a delegate for Pennsylvania, attended, and took his seat.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *Feb<sup>y</sup> 2<sup>nd</sup> 1781*

Mr Peters

Gen<sup>l</sup> Cornell

The Board beg leave to inform Congress that there are more than 400 prisoners in goal in this City who have on several occasions manifested a mutinous disposition, and there being at this time several circumstances which would favor any attempt they might make to escape, particularly the sourness of the Invalid regiment, which dissatisfied as the Men are, amounts to no more than eighty fit for duty, a number too small to do the duty of this City, were they ever so hale and robust. Whereupon the Board submit the following report:

*Resolved*, That it be recommended to the supreme executive of the State of Pennsylvania, to call out to do duty in the City of Philadelphia for thirty days, if not sooner discharged, one hundred rank and file of the militia, properly officered.<sup>2</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 81. The indorsement shows that it was read on this day.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 127.

The order of the day was called for, when a motion was made by Mr. [John] Witherspoon, seconded by Mr. [Thomas] Burke,

That it is indispensably necessary that the United States in Congress assembled, should be vested with a right of superintending the commercial regulations of every State, that none may take place that shall be partial or contrary to the common interest; and that they should be vested with the exclusive right of laying duties upon all imported articles, no restriction to be valid, and no such duty to be laid, but with the consent of nine states. Provided, that all duties and imposts laid by the United States in Congress assembled, shall always be a certain proportion of the value of the article or articles on which the same shall be laid; and the same article shall bear the same duty and impost throughout the said states without exemption: and provided that all such duties and imposts shall be for the perfecting of certain specified purposes, which purposes being perfected, the said duties and imposts so appropriated, shall cease: provided also, that the United States in Congress assembled, shall not be empowered to appropriate any duties or imposts for perpetual annuities, or other perpetual or indefinite interests, or for annuities for more than three lives at the same time in being, or for a longer term than                    years; ~~and provided that when any duty or impost shall be laid on any article of the growth or produce of any state, or upon any article not imported into the United States, the net proceeds of such duties and imposts shall be placed to the credit of the State producing the said article or paying the said duty or impost, and such duties and imposts shall cease to operate in the states respectively so soon as their respective quotas of the appropriated fund shall be discharged.~~

On the question to agree to this, the yeas and nays being required by Mr. [John] Mathews:

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Sullivan,	no	} no	Mr. McKean,	no	} no
<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Adams,	no	} div	Mr. Jones,	no	} no
Lovell,	ay		Madison,	no	
<i>Connecticut,</i>			Bland,	ay	
Mr. Huntington,	no	} ay	<i>North Carolina,</i>		
Root,	ay		Mr. Burke	ay	} ay
Wolcott,	ay		Sharpe,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Floyd	ay	} ay	Mr. Mathews,	no	} no
McDougall,	ay		Bee,	no	
<i>New Jersey,</i>			Motte,	no	
Mr. Witherspoon,	ay	} ay	<i>Georgia,</i>		
Clark,	ay		Mr. Howly,	ay	} x
<i>Pennsylvania,</i>					
Mr. Montgomery,	no	} no			
Atlee,	ay				
Clymer,	ay				
Wynkoop,	no				
Smith,	no				

So it passed in the negative.

Congress resumed the consideration of the report of the Committee of the Whole:

And on the question, to insert the words moved to be inserted, the yeas and nays being required by Mr. [Thomas] Burke:

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Sullivan,	no	} no	Mr. Floyd,	ay	} ay
<i>Massachusetts,</i>			McDougall,	ay	
Mr. Adams,	no	} div	<i>New Jersey,</i>		
Lovell,	ay		Mr. Witherspoon,	no	} div
<i>Connecticut,</i>			Clark,	ay	
Mr. Huntington,	ay	} ay			
Root,	ay				
Wolcott,	ay				

<i>Pennsylvania,</i>				<i>North Carolina,</i>			
Mr. Montgomery,	no	} no		Mr. Burke,	ay	} ay	
Atlee,	ay			Sharpe,	ay		
Clymer,	ay			<i>South Carolina,</i>			
Wynkoop,	no			Mr. Mathews,	ay	} no	
Smith,	no	}		Bee,	no		
<i>Delaware,</i>				Motte,	no		
Mr. McKean,	ay	} ay		<i>Georgia,</i>			
<i>Virginia,</i>				Mr. Walton,	ay	} ay	
Mr. Jones,	no	} no		Few,	ay		
Madison,	no			Howly,	ay		
Bland,	ay						

So it was resolved in the affirmative.

The report from the Committee of the Whole, being amended, was agreed to as follows:

*Resolved,* That it be recommended to the several states, as indispensably necessary,<sup>1</sup> that they ~~pass laws granting to~~ vest a power in Congress, to levy for the use of the United States, a duty of five per cent. *ad valorem*, at the time and place of importation, upon all goods, wares and merchandises of foreign growth and manufactures, which may be imported into any of the said states from any foreign port, island or plantation, after the first day of May, 1781; except arms, ammunition, cloathing and other articles imported on account of the United States, or any of them; and except wool-cards and cotton-cards, and wire for making them; and also, except salt, during the war:

Also, a like duty of five per cent. on all prizes and prize goods ~~taken on the high seas and brought into any of the said states and libelled and condemned in the court of admiralty of any of these states as lawful prize:~~

~~That the monies arising from the said duties be paid quarterly into the hands of such persons as Congress shall appoint to receive the same.~~

That the monies arising from the said duties be appropriated to the discharge of the principal and interest of the

<sup>1</sup> From this point the entries are by George Bond.

debts already contracted, or which may be contracted, on the faith of the United States, for supporting the present war:

That the said ~~laws be continued in force and the duties aforesaid collected and paid as aforesaid~~ be continued until the said debts shall be fully and finally discharged.<sup>1</sup>

The Committee to whom the Letter from the Board of War of the 9<sup>th</sup> January was referred,

Report,

That it appears to have been the sense of Congress that the two estimates of the Board of War of the 21<sup>st</sup> April and 21<sup>st</sup> Aug. last amounting in the whole to 201,625 dollars in specie, should have been fully complied with, and that the Board of Treasury were directed to prepare bills of exchange for that purpose.

It also appears that the Paymaster of the Board of War has hitherto only received bills to the amount of 123,263 dollars whereby a deficiency remains of 78,362 dollars to complete the two estimates even supposing bills to that amount would produce an equivalent sum in money.

Your Committee find that the residue of the bills formerly intended to be applied for the relief of prisoners of war (except to the amount of 30,616 dollars of those drawn on M<sup>r</sup> Jay, the sale of which has been lately stopped by order of Congress, and about 20,000 dollars of those drawn on Doct<sup>r</sup> Franklin) have been already disposed of, and the monies applied to various purposes.

Your Committee therefore beg leave to recommend the following Resolution Viz.

<sup>1</sup> At this point Charles Thomson resumed the entries. A copy of this report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, IV, folio 43. The following is indorsed "Motion for amendment." It is in James Madison's writing, and is in the *Papers of the Continental Congress*, No. 36, IV, folio 263:

That it be earnestly recommended to the States, as indispensably necessary to the support of public credit and the prosecution of the War immediately to pass laws laying an impost of 5 pr. cent ad valorem on all goods wares and merchandises imported into them respectively after the 1<sup>st</sup> day of May next from any foreign port Island or plantation; to vest Congress with full power to collect and to appropriate the same to the discharge of the principal and interest of all debts already contracted or which may be contracted on the faith of the United States during the present war, and to give to the officers which shall be appointed by Congress to collect the said impost all the legal authorities necessary to the ~~punctual~~ execution of his duty.

*Resolved.* That the Board of Treasury be directed immediately to prepare bills of exchange to be drawn on the hon<sup>ble</sup> Benjamin Franklin Minister Plenipotentiary at the Court of Versailles at ninety days sight for such amount as will be sufficient to complete the former estimates of the Board of War for the relief of prisoners, and that the said bills be sold under the directions of the Board of War, and the monies applied solely to the purposes directed by former resolutions of Congress for their support.<sup>1</sup>

AT A BOARD OF WAR *Feb<sup>y</sup> 3<sup>rd</sup> 1781*

Present Mr Peters

Gen<sup>l</sup> Cornell

The Board having considered the Memorial of L<sup>t</sup> Colonel Fleury referred to them by Congress beg leave to report.

That L<sup>t</sup> Col Fleury now serving in the Army of our Allies in consideration of his merit and services continue to hold his rank in the American Army and have leave of absence therefrom until the farther order of Congress.

That his pay and ~~appointments~~ emoluments be suspended during his absence from his command in the American Army.<sup>2</sup>

Adjourned to 10 o'Clock on Monday.

#### MONDAY, FEBRUARY 5, 1781

A letter, of 31 January, from General Washington, enclosing a letter of 27th, from Major General Howe; and one of 25 January, from Major General Parsons, were read:<sup>3</sup>

*Ordered,* That the letter of Major General Parsons, with the papers enclosed, relative to his successful enterprize against the enemy's post at Morrisania, with so much of the general's letter as relates thereto, be referred to the Committee of Intelligence; and that the Commander in Chief return the thanks of Congress to Major General Parsons,

<sup>1</sup> This report, delivered this day, is in the writing of Thomas Bee. The indorsement says: "Aug. 24, 1781, not to be acted upon." It is in the *Papers of the Continental Congress*, No. 27, folio 117.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 131. It was read on this day, as the indorsement indicates. The following is added: "August 23, 1781, not to be acted upon."

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 517.



and the officers and men under his command; and inform him that Congress have directed this publication to be made in testimony of their approbation of his judicious arrangements, and of the spirit and military conduct displayed by the officers and men employed under him on the occasion.

A letter, of 2, from W. Geddes, was read:

*Ordered*, That it be referred to a committee of three.

The members, Mr. [William] Sharpe, Mr. [Samuel] Adams, Mr. [William] Floyd.

A letter, of 3, from Doctor B. Binney, was read: <sup>1</sup>

A petition of Preserved Clap was read:

*Ordered*, That it be referred to the Board of War.

A letter, of January 20, 1781, from the president of New Hampshire, was read. <sup>2</sup>

On motion of the Medical Committee,

That a warrant issue upon Thomas Smith Commissioner of the Loan Office for the State of Pennsylvania in favour of Thomas Bond, jun<sup>r</sup>, Purveyor of the Hospital for 20,000 dollars of the old emission to be applied towards establishing an hospital in Virginia and to enable proper officers to repair thither as soon as possible. <sup>3</sup>

*Ordered*, That the Medical Committee give the directions necessary for establishing a hospital in Virginia, and providing for the same; and also for removing the sick from the new gaol in this city, to some proper place to be provided as a hospital for prisoners.

A letter, from R. Patten, was read: <sup>4</sup>

*Ordered*, That it be referred to a committee of three.

The members, Mr. [Alexander] McDougall, Mr. [James Mitchell] Varnum, Mr. [John] Sullivan.

<sup>1</sup> Geddes' letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 431; Binney's letter is in No. 78, IV, folio 93.

<sup>2</sup> Clap's petition is in the *Papers of the Continental Congress*, No. 42, II, folio 86; the New Hampshire letter is in No. 64, folio 174.

<sup>3</sup> This motion, undated, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, IV, folio 517.

<sup>4</sup> This letter is in the *Papers of the Continental Congress*, No. 19, V, folio 45.

The committee, to whom was referred the letter of 20th November last, from the president of the State of New Hampshire, report,

The Committee to whom was referred the letter of the 20<sup>th</sup> day of November 1780 from President Weare with the papers enclosed having considered the subject to which they relate and consulted the best sources of information within their power as to the law of Nations thereon, Report,

That it does not appear that any principle or usage established among the most friendly Powers, or the spirit or tenor of any particular conventions among such powers and still less any article or clause in the treaties between his most Xn Majesty and the United States authorize a claim of exemption by the subjects of the former residing in America from any taxes or imposts ~~laid~~ on their property ~~within the United States~~ common to the Citizens of the latter and to the subjects of other nations.

That alien friends appear to be entitled by their residence to exemption from all military and other personal services except in certain critical situations from all taxes laid directly on their persons, and in general from all such other taxes as in their nature have immediate relation to citizenship and are incompatible with the duties they owe to their lawful Sovereigns.

That with respect to the case of Mons. de la Tour, a French subject, residing in New Hampshire, stated to Congress by President Weare, the committee are of opinion, that the tax on his stock in trade, of which he complains, being common to the citizens of that State, and no wise incompatible with his character as a French subject, is liable to no objection, unless such effects be included in his computed stock as lie out of that State, to which distinction careful attention ought to be paid.

*Resolved*, That Congress agree to the said report.

The committee having reported farther on the subject:

The Committee further report, as their opinion that as the general law of nations does not define with any degree of precision the privileges and obligations of foreigners with respect to taxes and imposts

and as the treaties subsisting between France and the U. States contain no particular regulations on that subject, and as it is of the utmost consequence to the interests of commerce and to harmony of intercourse between the U. States and their allies that some precise and permanent rules thereon founded in equity liberality and reciprocity should be speedily settled, it is expedient that the Minister Plenipotentiary at the Court of Versailles should be authorized to open a negotiation with that Court for such purpose and that a Committee be appointed to prepare the necessary instructions for his conduct therein.<sup>1</sup>

*Ordered*, That the consideration of the remainder be postponed.

A motion was made by Mr. [George] Walton, seconded by Mr. [William] Floyd;

That a member be elected for the Board of Treasury, in the room of Mr. [Oliver] Wolcott.

Question put, passed in the negative.

On motion of Mr. [George] Walton, seconded by Mr. [Oliver] Wolcott,

*Resolved*, That Mr. [George] Walton be excused from farther attendance at the Board of Treasury.<sup>2</sup>

[Adjourned to 10 o'clock to-morrow.]

#### TUESDAY, FEBRUARY 6, 1781

A letter of 11 January last, from the executors of Major Samuel Clarke, was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of Treasury to take order.

*Ordered*, That two members be elected for the Board of Treasury:

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 20, I, folio 9.

<sup>2</sup> A letter, of January 5, from Baron d'Arendt, appears to have been read this day. It is in the *Papers of the Continental Congress*, No. 78, VII, folio 351.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 445.

The Members, Mr. [George] Walton, Mr. T[homas] Smith.  
On motion of Mr. [Theodorick] Bland,

*Resolved*, That Thomas Bond, jun. purveyor to the general hospital, be, and hereby is, authorised to settle the accounts for salaries, and pay the officers of the hospital established in Virginia, under the direction of Dr. Gould, which have accrued since the new arrangement of the medical department; and that Dr. William Rickman, late deputy director, settle and return the accounts of salaries due the officers of the said hospital, prior to that date, to the present purveyor.

A memorial of J. Henderson, agent of O. Pollock, was read;<sup>1</sup> Whereupon,

Congress took into consideration the report of the Committee of Commerce on the memorial of J. Henderson, respecting the accounts of O. Pollock; and, thereupon,

The Commercial Committee beg leave to report,

That they have had under their consideration the memorial of John Henderson, agent for Oliver Pollock, together with the Accounts of said Pollock against the United States therein referred to, which they find had undergone a previous examination and been passed by M<sup>r</sup> Fell one of the late Commercial Committee as appears by his certificate thereon.

That in attempting a reexamination of the said account they perceive some of the vouchers are missing which M<sup>r</sup> Pennel of the Navy Board who assisted M<sup>r</sup> Fell in the settlements and had frequent access to the papers of the Commercial Committee assures your Committee did once exist.

That as M<sup>r</sup> Henderson has remained in this city for many months past solely to prosecute this business of his principal, and as it would have the appearance of imposing a hardship on M<sup>r</sup> Pollock to require of him a new transmission of vouchers to ascertain a demand which from the circumstance of M<sup>r</sup> Fell's certificate seems to have been satisfactorily established in the opinion of the late Commercial Committee; if Congress should be of the like opinion, your Committee submit the following order to the Treasury Board:

<sup>1</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, IV, folio 161.

*Ordered*, That the Treasury Board pass thirty-seven thousand eight hundred and thirty-six dollars, specie, to the credit of Oliver Pollock, agent of the United States at New-Orleans, as a debt due to him from the said states, on which an interest of six per cent. is to be allowed him until payment shall be made.<sup>1</sup>

A report from the Board of War was read:

AT A BOARD OF WAR, *February 5, 1781.*

Present Mr Peters, Gen<sup>l</sup> Cornell.

The Board have the honor to lay before Congress a letter of the 30<sup>th</sup> Ult<sup>o</sup> from Charles Pettit, A. Q. M. G. inclosing one from Col<sup>o</sup> Carrington D. Q. M. for the Southern Army, containing information, as well as a request for a supply of money. As it will be impossible to procure an estimate from Col<sup>o</sup> Carrington in any reasonable time, and as it is evident that he must stand in need of a very considerable supply of money in the present deranged situation of affairs in that quarter, the Board have thought proper to make this application immediately to Congress, the more especially as it is not accompanied with an estimate, and they beg leave to report—

*Ordered*, That it be referred to the Board of Treasury, to report a warrant in favour of C. Pettit, assistant quartermaster general, for the use of Colonel Carrington, deputy quartermaster for the southern army, for five hundred thousand dollars old emissions.<sup>2</sup>

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE, *Jany. 30<sup>th</sup>, 1781.*

The Board of Treasury having considered the letter from Col. Charles Pettit, Asst. Quarter Master General of the 29<sup>th</sup> inst. with sundry letters enclosed, and accompanied with a letter of the 30<sup>th</sup> inst. from the Board of War, approving of the same, beg leave to report,

*Ordered*, That a warrant issue on Thomas Harwood, commissioner of the continental loan office for the State of

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 31, folio 227.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 148, I, folio 299.

Maryland, in favour of Charles Pettit, assistant quartermaster general, on account of Colonel T. Pickering, quartermaster general, for ten thousand dollars new emissions, for the quartermaster's department in the district of Delaware and Maryland, and for which sum the said Colonel T. Pickering is to be accountable;

That on the application of Mr. I[saac] Motte, one of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for seventeen thousand dollars old emissions, for which the said State of South Carolina is to be accountable;<sup>1</sup>

TREASURY OFFICE *Jan<sup>y</sup>. 30<sup>th</sup> 1781.*

The Board of Treasury have considered the Petition of Robert Jewell, keeper of the States Prison, read in Congress the 27<sup>th</sup> Inst. and referred to the Board of Treasury.

It appears by a return this day made by the Treasurer, that warrants drawn upon him in favor of the Petitioner to the amount twenty-nine thousand six hundred and seventy-five dollars remain undischarg'd and that there is no probability that the Treasurer will shortly be enabled to pay them,—wherefore the following resolution is submitted.

That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Michael Hillegas, treasurer, for twenty-nine thousand six hundred and seventy-five dollars in the old emissions, to enable the said treasurer to discharge the several warrants due to Robert Jewell, keeper of the states prison, for which sum the said treasurer is to be accountable.

The Board have had under their consideration a letter from Charles Pettit assistant Quarter Master General of the 29<sup>th</sup> Instant inclosing an "Estimate of Cash wanted to answer the immediate demands of the Quarter Master's Department in the State of Pennsylvania"

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 79.

amounting to forty-eight thousand two hundred and sixty dollars  $\frac{7}{10}$ ths of a dollar, which estimate and letter accompanies this report.

Upon the letter and estimate aforesaid approved and signed by the Board of War, and taking into consideration the order of Congress of the 15<sup>th</sup> Dec<sup>r</sup> last "That the Board of Treasury pay particular attention to the exigencies of the Quarter Master's Department." The following Resolution is submitted—

That upon the application of Cha<sup>s</sup> Pettit Assistant Quarter Master General upon an estimate approved by the Board of War, a warrant issue in his favor on Tho<sup>s</sup> Smith Commissioner of the Continental Loan Office for the State of Pennsylvania for forty-eight thousand two hundred and sixty dollars and  $\frac{7}{10}$ ths of a dollar in the Bills emitted pursuant to the Act of Congress of the 18<sup>th</sup> March last, (part of the four tenths subject to the order of Congress) for which sum Timothy Pickering Quarter Master General is to be accountable.<sup>1</sup>

*Ordered*, That so much of the report as relates to the letter of 29 January last, from C. Pettit, assistant quartermaster general, together with the said letter, be referred to a committee of three:

The members, Mr. [Theodorick] Bland, Mr. [Alexander] McDougall, ~~Mr. Sullivan~~, Mr. [Oliver] Wolcott.

Another report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE Jan<sup>y</sup> 27<sup>th</sup> 1781

In compliance with an order of Congress of the 22<sup>nd</sup> instant and a letter from the Board of War of the 25 instant with an estimate of thirteen thousand dollars New Emission from the Hon<sup>ble</sup> Board aforesaid to be necessary to recruit Col. Armands Legion—The Board of Treasury beg leave to report

That a warrant issue in favor of Joseph Carleton Pay Mast. to the Board of War and ordnance on Nath<sup>l</sup> Appleton Commissioner for the Continental loan [office] for the State of Massachusetts Bay for thirteen thousand dollars New Emission for the purpose of recruiting Col. Armands Legion &c and for which sum the said Pay Master is to be accountable—

Postponed

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 71.

In consequence of an account exhibited to Congress by the Directors of the Pennsylvania Bank shewing a balance due on the first Payment on the Loan subscription of £3891. 2. 4. specie which account was on the fourth instant referred to this Board "to devise ways and means of repaying the same to the Managers of the Bank" whereupon the following resolution is submitted:

*Ordered*, That George Clymer and John Nixon, directors of the Pennsylvania bank, be authorized and empowered to sell so many of the bills of exchange deposited in their hands in consequence of the act of Congress of the 22d of June last, as shall enable them to make the first payment on the loan subscription to the amount of three thousand eight hundred and ninety-one pounds two shillings and four pence, and that they advise with and be governed by the loan officer of the State of Pennsylvania with respect to the value of the bills.<sup>1</sup>

TREASURY OFFICE, *Feby 5th, 1781.*

In compliance with an order of Congress of the 2d instant, the Board report the following Resolutions:

*Ordered*, That a warrant issue in favor of Colonel Benjamin Flower, commissary general of military stores, for thirty-four thousand four hundred dollars old emissions, on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for the purchase of sundry articles to be forwarded to the southern army, and for which sum the said commissary general of military stores is to be accountable;

That a warrant issue on Thomas Smith, commissioner aforesaid, for three hundred dollars of the new emissions, in favour of Captain Paschki, late of the army of the United States, for his services with the southern army since the resolution of the 16 day of May last;

That on the application of Richard Philips, steward to the President of Congress, a warrant issue in his favour on

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 65.



Thomas Smith aforesaid, for fifteen thousand dollars old emissions, for the use of the President's household, and for which the said steward is to be accountable.<sup>1</sup>

The Board of Treasury, to whom was re-committed their report, respecting the drawing of the fourth class of the United States' lottery, delivered in another report; Whereupon,

TREASURY OFFICE *January 19<sup>th</sup> 1781.*

The Board of Treasury beg leave to lay before Congress a letter of the 15<sup>th</sup> instant from the managers of the United States lottery, for direction in the premises. The Board, however, are of opinion that in the present depreciated state of the old currency it will be for the interest of the United States not to dispose of any of the tickets which remain unrenewed by adventurers in the third class; because the prizes to be funded in the fourth class will be on the disadvantageous terms of forty dollars of the old for one of the new, when the value of one of the latter is at least equal to seventy-five of the former. The following resolution is therefore submitted:

*Resolved*, That the managers of the United States' lottery, forthwith prepare for the drawing of the fourth class of the said lottery; that they draw the blanks and prizes, and begin the drawing on the ~~first day of March~~ Monday in April next, under the direction of the Board of Treasury; and that the tickets then remaining unrenewed by the adventurers in the third class, conformable to the resolution of the 18th day of November, 1776, be on account of the United States and not disposed of.<sup>2</sup>

A letter, of this day, from J. Scudder, was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of Treasury.

Congress resumed the consideration of the report for a new arrangement of the executive boards, and after some time being spent thereon;

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 85.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 37.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XXI, folio 9.

*Ordered*, That so much as relates to the Marine Department be re-committed.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 7, 1781

A letter, of 6th, from E. Forman and J. Gibson, was read; Whereupon,<sup>2</sup>

*Ordered*, That Tuesday next be assigned for considering the papers therein referred to.

The Board of Admiralty, to whom was referred the memorial and account of Captain R. Elliot, request that they may be discharged therefrom, the said account not being within the line of their department, but relating to a private expedition, undertaken at the expence of the State of Virginia, and because they are not furnished with any documents relative thereto from O. Pollock, continental agent at New Orleans, who was employed by and hath constantly corresponded with the Committee of Commerce:<sup>3</sup>

*Resolved*, That Congress agree to the said request.

Whereas the events of the war may prevent the legislatures of some of these states from assembling in time to consider the act of Congress of the 3d, and consent to the vesting in Congress the power to levy the duties mentioned in the said act, so as to enable Congress to apply the said duties for the important purpose for which the said duties are designed; and whereas there is no reason to apprehend that such states

<sup>1</sup> The part recommitted was as follows, being in the writing of James Duane; it is in the *Papers of the Continental Congress*, No. 28, folio 313:

That the Secretary of Marine be empowered and required to execute and discharge all the duties committed by Congress to the Board of Admiralty; That the several Navy Boards be abolished and the duties heretofore exercised by them be committed to such agents not exceeding one in each Port as shall be recommended by the Secretary of Marine and appointed by Congress. That he also report to Congress the officers necessary for assisting him in the duties of his Department.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 62, folio 631.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 41, 111, folio 63.

as may be so circumstanced, will refuse to concur in a measure calculated for the general defence, so soon as their legislatures shall be enabled to meet and deliberate:

*Resolved*, That so soon as all the states, whose legislatures shall and may assemble, shall consent to the vesting in Congress the power of levying the duties in the act aforesaid specified, Congress will proceed to the execution of the said powers; and the revenues arising from the said duties, shall be carried to the general credit of all the states which shall consent or accede thereto, in the first session of their respective legislatures, which shall be held after the said act shall have reached the executive powers of the states respectively.

*Ordered*, That the foregoing resolution, together with the act of the 3d, be transmitted with all convenient despatch to the several states; and that, in the letter accompanying the same, the President urge upon the several executives the necessity of immediately calling the assemblies, if not already convened, for the purpose of vesting Congress with the power mentioned in the said act.

*Ordered*, That a committee of three be appointed to make as accurate an estimate of the public debt as they possibly can, and report the same to Congress;

The members, Mr. [James] Duane, Mr. [William] Sharpe, Mr. [Oliver] Wolcott.

*Ordered*, That the estimates and returns relative to the public debts, in the Secretary's office, be referred to the said committee.

Mr. Richard Law was nominated by Mr. [Jesse] Root for the office of secretary of foreign affairs.

The committee to whom was re-committed part of their report on a plan for the arrangement of the civil executive departments of the United States, delivered in another report.

Congress then resumed the consideration of the plan for the arrangement of the civil executive departments of the United States; and thereupon,

*Resolved*, That there be a ~~Financier~~ Superintendent of Finance, a Secretary at War, and a Secretary of Marine:

That it shall be the duty of the ~~Financier~~ [Superintendent of Finance], to examine into the state of the public debt, the public expenditures, and the<sup>1</sup> public revenue, to digest and report plans for improving and regulating the finances, and for establishing order and economy in the expenditure of the public money; to direct the execution of all plans which shall be adopted by Congress respecting revenue and expenditure; to superintend and control the settlement of all public accounts; to direct and control all persons employed in procuring supplies for the public service, and in the expenditure of public money; to obtain accounts of all the issues of the specific supplies furnished by the several states; to compel the payment of all moneys due to the United States, and in his official character, [or in such manner as the laws of the respective states shall direct,] to prosecute on behalf of the United States, for all delinquencies [respecting the public revenue and expenditures]; to report to Congress the officers which shall be necessary for assisting him in the various branches of his department.

That the powers and duty of the Secretary at War shall be as follows:

To examine into the present state of the war-office, the returns and present state of the troops, ordnance, arms, ammunition, cloathing, and supplies of the armies of these United States, and report the same to Congress; to obtain and keep exact and regular returns of all the forces of the United States, and of all the military stores, equipments, and supplies in the magazines of the United States, or in

<sup>1</sup> George Bond here begins the entries.

other places for their use; and to take the immediate care of all such as are not in actual service; to form estimates of all such stores, equipments and supplies as may be requisite for the military service, and for keeping up competent magazines, and to report the same to the ~~Financier~~ [Superintendent of Finance], that he may take measures for procuring the same in such manner as may best suit the finances of these states; to prepare estimates for paying and recruiting the armies of these United States, and lay them before the ~~Financier~~ [Superintendent of Finance], so seasonably as to enable him to make provision without delay or derangement; to execute all the resolutions of Congress respecting military preparations, and transmit all orders and resolutions relative to the military land forces of these United States; to make out, seal, and countersign all military commissions, keep registers thereof, and publish annually a list of all appointments; to report to Congress the officers necessary for assisting him in the business of his department.<sup>1</sup>

The Committee to whom was re-committed a plan for the arrangement of the Civil Executive Departments of the United States so far as it respects the marine, submit the following Report:

*Resolved*, That it shall be the duty of the Secretary of Marine, to examine into and report to Congress the present state of the navy, a register of the officers in and out of command, and the dates of their respective commissions; and an account of all the naval and other stores belonging to that department; to form estimates of all pay, equipments and supplies necessary for the navy; and from time to time to report such estimates to the Superintendent of Finance, that he may take measures for providing for the expences, in such manner as may best suit the condition of the public treasury;

<sup>1</sup> This report, in the writing of James Duane, except the words in brackets, which are in the writing of Samuel Huntington, is in the *Papers of the Continental Congress*, No. 28, folio 311.

to superintend and direct the execution of all resolutions of Congress respecting naval preparations; to make out, seal and countersign all marine commissions, keep registers thereof, and publish annually a list of all appointments; to report to Congress the officers and agents necessary to assist him in the business of his department; and in general to execute all the duties and powers specified in the act of Congress constituting the Board of Admiralty.<sup>1</sup>

A letter, of the 6th, from B. Stoddert, secretary of the Board of War, was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.<sup>3</sup>

AT A BOARD OF WAR *Feb<sup>r</sup> 5<sup>th</sup> 1781.*

Present Mr Peters

Gen<sup>l</sup> Cornell

The Board have considered the Memorial of Lt Col Diriks and beg leave to remind Congress, that he was made a Lt Colonel by Brevet in the Army of the United States on the fifth day of Nov. 1778 and permitted to return to the Netherlands—where it appears from the journals of that day that he was to be employed in negotiating a loan—the Board know nothing of him from that time only by report—which said that he went to Holland and transacted the Business he was employed in to the satisfaction of those who sent him—till the 29<sup>th</sup> December, 1779 when Congress resolved “That in consideration of the peculiar circumstances attending the Case of Colonel Diriks that gentleman receive the pay and subsistence of a Lt Colonel in the Army of the United States from the date of his Brevet untill the further order of Congress.” It would seem from this resolution that the Brevet commission given to Colonel Diriks was intended in the first instance as a mere honorary matter. He continued to draw his pay and rations in Philadelphia, frequently applying to the Board to be employed in active service till the 12th of July last, when Congress Resolved “That Lt Colonel Diriks have leave of absence agreeable to his request untill the further order of Congress.”

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 28, folio 315.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XXI, folio 17.

<sup>3</sup> Here Charles Thomson resumes the entries in the Journal.

"That Bills of Exchange for four hundred and fifty dollars be granted him on the hon<sup>ble</sup> M<sup>r</sup> Laurens (afterwards altered for Bills on M<sup>r</sup> Jay) on account of his pay."

Colonel Diriks did not return to Europe as he intended when these resolutions passed but on the 7<sup>th</sup> of August informed Congress that he would serve one more campaign in America and defer his departure till the end of it which he has done accordingly.

Upon this State of facts Congress will be pleased to Judge whether it should be resolved

That Lt Colonel Diriks be informed that it is impracticable to employ him in the Service of these States consistent with the arrangement of the Army.

That he receive his pay to this day and be no longer considered in Service.

Or if Congress should be of opinion that Lt Col. Diriks should be considered as an Officer entitled to retire under the Regulations of the 3d and 21st Oct last, they will please to resolve,

That Lt Col. Diriks have leave to retire from the Army of the United States agreeable to the regulations of Congress of the 3d and 21st October last—<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

#### THURSDAY, FEBRUARY 8, 1781

A letter, of 24th January, from Major General Greene, with sundry papers enclosed, giving an account of a signal and complete victory gained by Brigadier General Morgan, on the 17th January, over a detachment of the British army under the command of Lieutenant Colonel Tarleton;

Also, another letter from Major General Greene, of 23 January, and a letter of January 9th, from the same, with sundry papers enclosed, were read: <sup>2</sup>

*Ordered*, That the same be referred to a committee of three: the members, Mr. [Thomas] Burke, Mr. [James Mitchell] Varnum, Mr. [Thomas] Bee.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 107. It is indorsed: "Read Feby. 7, 1781."

<sup>2</sup> The letter of 9th is in the *Papers of the Continental Congress*, No. 155, I, folio 505; that of 23d is on folio 513; that of 24th is on folio 533.

An authentic copy of a letter from Brigadier General Moultrie to Lieutenant Colonel Balfour, dated Christ Church Parish, October 16th, 1780, and Balfour's answer, [were read:]

*Ordered*, That copies thereof be transmitted to the ministers of these United States at the courts of Europe; and that the letter be referred to the committee aforesaid.

A letter, from Alexander Skinner, an officer of Lieutenant Colonel Lee's legionary corps, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War.

A letter, of 7, from B. Otto, physician and surgeon, was read; Whereupon,

*Ordered*, That the letter of Doctor Otto be referred to the Board of War to take measures for preventing any interruption being given to the hospital at the yellow springs, the same being provided solely for the reception of proper hospital subjects.

A petition, of Paul Bentalon, was read:

*Ordered*, That it be referred to the Board of War.

A letter, of 20 January, from Brigadier General Morgan, was read:<sup>2</sup>

*Ordered*, That it be referred to the committee on Major General Greene's letters.

On motion of the Committee of Commerce,

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twelve hundred and fifty dollars new emission, in favour of John Henderson, to be charged to the account of Oliver Pollock, agent of the United States at New Orleans.

A letter, of this day, from Cha Morse, was read:

*Ordered*, That it be referred to the Board of Treasury.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 549.

<sup>2</sup> Bentalon's petition is in the *Papers of the Continental Congress*, No. 42, I, folio 234; Morgan's letter is in No. 78, XVI, folio 131.



A letter, of 7th, from R. Bache, postmaster general, was read:

*Ordered*, That it be referred to the Committee on the Post Office.

A letter, of Oct. 1, 1780, from G. Turner, was read.<sup>1</sup>

A representation of the Board of Admiralty was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of Treasury.

A memorial of General Sullivan was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of War.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE, *February 8<sup>th</sup>, 1781.*

Upon the the letter of Mr. Lotbinier, read in Congress the 30<sup>th</sup> of January last, and referred to this Board; the following resolution is submitted:

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favor of Michael Hillegas, treasurer, for ten thousand dollars old emissions, to enable him to pay that sum to Mr. Lotbinier, in part of a warrant which the said Mr. Lotbinier has upon the treasurer aforesaid for money of the new emission, and for which sum the said treasurer is to be accountable;

Upon the letter from Joseph Scudder, read in Congress and referred to this Board; the following resolution is submitted:

That a warrant issue on Thomas Smith, commissioner aforesaid, in favour of Joseph Scudder, for six thousand dollars in bills of the old emissions, on account of his salary

<sup>1</sup> Morse's letter is in the *Papers of the Continental Congress*, No. 59, III, folio 41; Turner's is in No. 78, XXII, folio 429.

<sup>2</sup> This representation is in the *Papers of the Continental Congress*, No. 37, folio 355.

<sup>3</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, IX, folio 153.

as clerk in the war office, and for which sum the said Joseph Scudder is to be accountable;<sup>1</sup>

TREASURY OFFICE *Feb<sup>y</sup> 2<sup>nd</sup> 1781*

The Board of Treasury beg leave to Report,

That in pursuance of an Act of Congress of the 12<sup>th</sup> of Jan<sup>y</sup> last the Commissioners of the Chambers of accounts have liquidated the account of John Biddle, Isaac Howell, Peter Thomson, Isaac Snowden and Nathaniel Falconer, Inspectors of the Press, agreeable to the principles of the Act of the 15<sup>th</sup> of November last, and reported a balance due to the said Superintendants to the 4<sup>th</sup> of Dec<sup>r</sup> last, of 2805 dollars and  $\frac{2}{3}$ th specie. The mode of payment the Board beg leave to submit to Congress; but observe from the pressing solicitations of such of them as are continued in employ, the payment of this balance is necessary to enable them to proceed in the discharge of their duty.

The Board on reconsidering their report of the 19<sup>th</sup> of January last, respecting the drawing of the fourth Class of the United States Lottery, see no reason to alter their opinion then given, and therefore, beg leave to offer again the resolution then proposed—changing the time for drawing to the 1<sup>st</sup> of March next.

The Board beg leave further to Report,

That on the application of William Kinnan, copper plate printer, a warrant issue in his favour on Thomas Smith, commissioner aforesaid, for ten thousand dollars old emissions, part of the salary due to him, and for which he is to be accountable.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

FRIDAY, FEBRUARY 9, 1781

A letter, of this day, from the Board of War, was read.

A letter, of 3, from General Washington, was read, with sundry papers enclosed:<sup>3</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 89.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 83.

<sup>3</sup> The Board of War letter is in the *Papers of the Continental Congress*, No. 148, I, folio 311. Washington's is in No. 152, IX, folio 541; it is printed in *The Writings of Washington* (Ford), IX, 126.

*Ordered*, That it be referred to a committee of three;

The members, Mr. [Joseph] Jones, Mr. [Alexander] McDougall, Mr. [John] Sullivan.

*Ordered*, That the committee to whom were referred the letters from Major General Greene, Brigadier General Morgan &c take into consideration the state and condition of the southern army, and report ways and means of supplying their wants.<sup>1</sup>

Petitions from Thomas Felten, Benjamin Armitage, Joseph VanDyke, Joseph Jewell, Elijah Weed, Will Lawrence and Francis Proctor, were laid before Congress, each praying to be appointed keeper of the state prison in the room of R. Jewell, deceased:<sup>2</sup>

*Ordered*, That they be referred to the Board of War.

*Resolved*, That the salary of the *Superintendent of Finance* be six thousand dollars per annum;

That the salary of the *Secretary at War* be five thousand dollars per annum; and

That the salary of the *Secretary of Marine* be five thousand dollars per annum.

*Ordered*, That Monday next be assigned for the election of the officers aforesaid, and the Secretary of Foreign Affairs.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE, *February 9th, 1781.*

The Board of Treasury having considered the letter of the 3rd instant from Philip Audibert Asst. to John Pierce, paymaster general, beg leave to report;

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of

<sup>1</sup> A copy of this order, as an extract from the minutes is in the *Papers of the Continental Congress*, No. 155, I, folio 545.

<sup>2</sup> Felton's petition is in the *Papers of the Continental Congress*, No. 42, IV, folio 268; Armitage's is on folio 230; Vandyke's on folio 272; Jewell's on folio 234; Weed's on folio 244; Lawrence's on folio 274; Proctor's on folio 260. A similar petition, from Henry Murfits, was also presented; it is in No. 42, V, folio 225.

Pennsylvania, in favour of Philip Audibert, on account of John Pierce, paymaster general, for eight hundred and eleven dollars new emission, to enable the said P. Audibert to discharge two warrants drawn on the paymaster general by the Board of War; one for five hundred and fifty-two dollars, in favour of Lieutenant Jenkins, of Captain Spalding's company; the other in favor of Captain Selin, paymaster to Captain Paul Schott's corps, for two hundred and fifty-nine dollars of the emission aforesaid, being on account of pay due to their corps now under marching orders from Wyoming to join the main army, and for both of which sums, amounting to eight hundred and eleven dollars, the aforesaid John Pierce, paymaster general, is to be accountable;

That on the application of the Inspectors of the Press, the following resolution is submitted:

That a warrant issue on Thomas Smith, commissioner aforesaid, in favour of John Biddle, Isaac Howell, Peter Thomson, Isaac Snowden and Nathaniel Falconer, inspectors of the continental press, for <sup>The alterations made on the 10th.</sup> ~~two~~ one thousand ~~eight~~ four hundred and ~~five~~ two dollars and forty-five ninetieths of a dollar in bills of the new emissions in discharge part of their account settled to the ~~18th day of March last~~ 4 day of December last;

That on the application of William Geddes, commissioner of accounts, a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in his favour for twenty thousand dollars old emissions, on account of his salary and for which he is to be accountable.<sup>1</sup>

On motion of Mr. [Theodorick] Bland, seconded by Mr. [John] Sullivan,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 93.

*Ordered*, That the Board of Treasury immediately lay before Congress an exact state of the returns from all the respective loan-offices, specifying the old emissions brought in to be destroyed, and the new emissions retained, subject to the orders of Congress; also, a state of the taxes paid in by the respective states, and that they make such report to Congress on the first Monday of every month in future.

[A memorial from Abraham Whipple, John Peck Rathburne, Samuel Tucker and Thomas Simpson, was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three.

The members chosen, Mr. [Alexander] McDougall, Mr. [Oliver] Wolcott and Mr. [William] Sharpe.]<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

**SATURDAY, FEBRUARY 10, 1781**

The committee to whom was referred the letter, of the 2d, from William Geddes, delivered in a report, which was read.

The Committee to whom were referred the letter of the 2<sup>d</sup> instant from W<sup>m</sup> Geddes, beg leave to report the following resolution:

That the setting aside the election of William Geddes and the appointment of another person to the office of paymaster general was ~~founded~~ grounded upon reasons of expediency and propriety, and all reports circulated injurious to the character or reputation of the said William Geddes on that account are ~~false and~~ unfounded.<sup>3</sup>

Congress was resolved into a Committee of the Whole, to consider farther the report on finance, and after some time the President resumed the chair, and Mr. [John] Mathews reported, that the committee have considered farther the

<sup>1</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, X, folio 454.

<sup>2</sup> The part in brackets was entered in the Journal by George Bond.

<sup>3</sup> This report, in the writing of William Sharpe, is in the *Papers of the Continental Congress*, No. 19, II, folio 405. It appears in the list of postponed reports in No. 31, folio 371.

reports on finance, but not having come to a conclusion, desire leave to sit again.<sup>1</sup>

<sup>1</sup> The following motion, without date, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 36, IV, folio 37:

That an eighth of a dollar p. ton, Carpenters tonnage be paid upon all vessels arriving in any port of these United States coming from foreign ports loaded with any foreign commodities or in ballast.

postponed.

The following motion, in the writing of Thomas Burke, was, the indorsement shows, postponed on this day. It is in the *Papers of the Continental Congress*, No. 36, IV, folio 37:

*Resolved*, That the duties which the States are requested to empower Congress to levy by the act of the 3<sup>d</sup> Instant be payable in specie only—and that all imported articles prizes and prize goods be rated for the purpose of ascertaining the said duty, in specie and that it be recommended to the States to make provisions in their respective laws conformable to this resolution.

The following motion, in the writing of Henry Wynkoop, was referred to the Committee of the Whole as the indorsement shows. It is in the *Papers of the Continental Congress*, No. 36, IV, folio 39:

*Resolved*, That it be recommended to the respective Legislatures to repeal all penal clauses, that may be inserted in any of their Laws enacted for the purpose of funding and redeeming the Bills of Credit emitted by the Resolutions of Congress of the 18<sup>th</sup> of March last.

That all Taxes, Duties or Imposts which now are or heretofore have been recommended to the States since the 18<sup>th</sup> of March last be considered as estimated in specie or the actual value thereof and that their respective Quotas and Proportions, be charged to them, by the Treasury Board accordingly.

And that it be recommended to the Legislatures to adopt such Modes and Regulations as shall best suit their respective situations and circumstances for effectually procuring the payment of all Taxes, Duties or Imposts either in specie or the actual value thereof in paper Bills of Credit.

That the Commissioners of the respective Loan offices be empowered and directed to attend particularly to the exchange between specie and the paper Bills of Credit actually existing from time to time in those States within which they respectively reside, and transmit weekly Rates thereof to the persons appointed to collect the Duties and Imposts upon goods and merchandize imported into those States to which the Loan Officers respectively belong; which rates shall be the Rule to direct the said Collectors in the receiving of all the aforesaid duties in specie or paper Bills, and shall be transmitted once in every month by the respective Loan Officers to the Treasury of the United States.

That it be recommended to the Legislatures of each State to emit such proportion of the Bills of the 18<sup>th</sup> of March, in Bills of such Denomination under one Dollar as shall suit their respective purposes for small change and to the Amount of such sums as they conceive the Circumstances of their respective States may require; and that they be requested without delay to transmit such amount to the Treasury of the United States to enable that Board to prevent the Issuing of any greater quantity to each State than the amount allotted to them respectively by the Resolutions of the 18<sup>th</sup> of March last including the sum emitted for Change as by this Resolution recommended.

*Ordered*, That on Monday next Congress be resolved into a Committee of the Whole, to consider farther the reports on finance.

The Board of War, to whom was referred the letter of Alexander Skinner, delivered in a report; Whereupon,

AT A BOARD OF WAR *Feb<sup>r</sup>. 10<sup>th</sup> 1781*

Mr Peters

Gen Cornell

The Board having considered the letter from Doc<sup>t</sup> Skinner referred to them, beg leave to lay before Congress an estimate they Counter-signed on the 2<sup>nd</sup> of Nov<sup>r</sup> last and sent to the Board of Treasury for £10,414:5:2 of the new emissions to procure the articles therein specified for the Southern Army.

As the saddles intended for Col. Lee's partizan Corps, which are indispensably necessary, were included in the estimate, and as the other articles mentioned are equally essential, the Board beg leave to report:

*Ordered*, That a warrant issue in favour of Chas. Pettit, assistant quartermaster, for twenty-seven thousand seven hundred and seventy-one dollars of the new emissions, to enable Colonel S. Miles to procure for the southern army the articles contained in the Board of War's estimate of 22d [2d] November last.<sup>1</sup>

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Chas. Pettit aforesaid, on account of T. Pickering, quartermaster general, for five hundred thousand dollars old emissions, for the use of Colonel Carrington, deputy quartermaster for the southern army, and for which the said T. Pickering, quartermaster general, is to be accountable.<sup>2</sup>

Adjourned to 10 o'Clock on Monday.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 139.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, VI, folio 97.

MONDAY,, FEBRUARY 12, 1781.

Mr. Daniel Carrol, a delegate for the State of Maryland, attended and produced the credentials of his appointment, which were read, as follows:

MARYLAND, *Annapolis 3 Feb. 1781.*

We hereby certify that John Hanson, Daniel of St. Thomas Jenifer, Daniel Carroll and Richard Potts Esquires are elected Delegates, to represent this State in Congress for the year One thousand seven hundred and Eighty one.

JA. MACUBBIN *Cl. Sen.*

F. GREEN *Cl Ho Del.*<sup>1</sup>

The delegates for Maryland laid before Congress a certified copy of an act of the legislature of that State, which was read, as follows:

“An act to empower the delegates of this State in Congress to subscribe and ratify the Articles of Confederation.

“Whereas it hath been said that the common enemy is encouraged by this State not acceding to the Confederation, to hope that the union of the sister states may be dissolved; and therefore prosecutes the war in expectation of an event so disgraceful to America; and our friends and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the Confederation: this general assembly, conscious that this State hath, from the commencement of the war, strenuously exerted herself in the common cause, and fully satisfied that if no formal confederation was to take place, it is the fixed determination of this State to continue her exertions to the utmost, agreeable to the faith pledged in the union; from an earnest desire to conciliate the affection of the sister

<sup>1</sup> The original is in the *Papers of the Continental Congress, Maryland, Credentials of Delegates.*



states; to convince all the world of our unalterable resolution to support the independence of the United States, and the alliance with his Most Christian Majesty, and to destroy forever any apprehension of our friends, or hope in our enemies, of this State being again united to Great Britain;

“Be it enacted by the general assembly of Maryland, that the delegates of this State in Congress, or any two or three of them, shall be, and are hereby, empowered and required, on behalf of this State, to subscribe the Articles of Confederation and perpetual union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, signed in the general Congress of the said States by the honorable Henry Laurens, esq. their then President, and laid before the legislature of this State to be ratified if approved. And that the said Articles of Confederation and perpetual union, so as aforesaid subscribed, shall thenceforth be ratified and become conclusive as to this State, and obligatory thereon. And it is hereby declared, that, by acceding to the said Confederation, this State doth not relinquish, or intend to relinquish, any right or interest she hath, with the other united or confederated states, to the back country; but claims the same as fully as was done by the legislature of this State, in their declaration, which stands entered on the journals of Congress; this State relying on the justice of the several states hereafter, as to the said claim made by this State.

“And it is further declared, that no article in the said Confederation, can or ought to bind this or any other State, to guarantee any exclusive claim of any particular State, to the soil of the said back lands, or any such claim of jurisdiction over the said lands or the inhabitants thereof.

“By the House of Delegates, January 30th, 1781, read and assented to,

By order, F. GREEN, *Clerk.*

By the Senate, February 2d, 1781. Read and assented to.

By order, JAS. MACCUBBIN, *Clerk,*

THO. S. LEE. (L. S.)<sup>1</sup>

A letter, of 28 November, and

One, of 19th December, from Will Carmichael, were read:<sup>2</sup>

*Ordered*, That the same be considered on Wednesday next.

Petitions of John Taggart, Mathew McConnell, Samuel Alexander, Robert Bevins, John James and Charles White, were read:

*Ordered*, That the said petitions be referred to the Board of Treasury for settlement, agreeably to the resolution of the 4 January last.

A letter, of this day, from E. Cornell, was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of Treasury.

A memorial of Captain Thomas McIntyre was read:

*Ordered*, That it be referred to the Board of War.

A memorial, signed O'Neill, was read:<sup>4</sup>

*Ordered*, That it be referred to the Board of War.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR, *Feb<sup>y</sup> 12<sup>th</sup> 1781*

Present M<sup>r</sup> Peters, Gen<sup>l</sup> Cornell M<sup>r</sup> Mathews

Col Miles having represented that it will be absolutely necessary to advance 590 dollars of the new emissions to the Wagoners who are to be sent with Stores for the Southern Army, beg leave to report.

*Ordered*, That a warrant issue in favour of Charles Pettit, assistant quartermaster general, for five hundred and ninety

<sup>1</sup> This copy is in the *Papers of the Continental Congress*, No. 70, folio 453. It was also entered in No. 9 (History of the Confederation).

<sup>2</sup> The letter of 28 November is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 164; that of 19 December, page 198.

<sup>3</sup> Taggart's petition, dated February 12, 1781, is in the *Papers of the Continental Congress*, No. 42, VII, folio 402; that of McConnell, Alexander, Bevins, James and White is in No. 42, V, folio 229; Cornell's letter is in No. 78, VI, folio 15.

<sup>4</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, VII, folio 290.

dollars of the new emissions, for the use of Colonel Miles, deputy quartermaster for Pennsylvania, the quartermaster general to be accountable.<sup>1</sup>

The committee to whom was referred the report of the Board of Treasury, of the 29 January last, delivered in a report; Whereupon,

The Committee to whom was referred the report of the Board of Treasury of the 29<sup>th</sup> of Jan<sup>ry</sup> taking into their consideration the present demands on the Treasury, and having examined into the state of the monies at present in the Treasury and in the loan office of the State of Pennsylvania beg leave to report,

*Ordered*, That a warrant issue in favour of Charles Pettit, assistant quartermaster general, on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for ten thousand dollars of the new emissions, five thousand of which to be applied towards furnishing supplies, &c., for the post at Fort Pitt, and the remaining five thousand to be applied to such other public purposes as are most urgent and immediately pressing in the district of the quartermaster's department under the direction of Colonel Miles, deputy quartermaster.

*Ordered*, That bills of exchange be sold, under the direction of the Board of Treasury, by Thomas Smith, commissioner aforesaid, for five hundred dollars specie, to be paid into the hands of the paymaster general of the army, for the use of the Commander in Chief.<sup>2</sup>

Congress was resolved into a Committee of the Whole, and after some time, the President resumed the chair, and Mr. [John] Mathews reported, that the Committee have considered farther the reports on finance, and made some progress, but not having come to a conclusion, desire leave to sit again:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 143.

<sup>2</sup> This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 26, folio 251.

*Ordered*, That to Morrow Congress be again resolved into a Committee of the Whole, to consider farther the reports on finance.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, FEBRUARY 13, 1781

A letter, of 25 January, from the governor of Rhode Island, was read, with an act passed by the legislature of that State enclosed.

A letter and petition from Rouz & Co. were read:

*Ordered*, That they be referred to the committee on the petition of Oliver Bowen.

A letter, of 3, from Leonard Gansevoort, was read, signifying his acceptance of the office of commissioner of the extra chamber of accounts in the northern department.

A letter, of this day, from B. Harrison, was read:<sup>1</sup>

*Ordered*, That a committee of ~~five~~ six be appointed to confer with Mr. Harrison on the subjects mentioned in the said letter.

The members, Mr. [Samuel] Adams, Mr. [Alexander] McDougall, Mr. [Joseph] Montgomery, Mr. [John] Sullivan, Mr. [James] Madison, Mr. [Thomas] Burke.

A letter, of the 10, from Thomas Nelmes, was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of Treasury to report.

A memorial, from J. Henderson, agent of O. Pollock, was read, with sundry papers enclosed:<sup>3</sup>

*Ordered*, That the same be referred to the Committee of Commerce.

<sup>1</sup> The Rhode Island letter is in the *Papers of the Continental Congress*, No. 64, folio 494; Gansevoort's letter is in No. 78, X, folio 289; Harrison's is in No. 78, XII, folio 117.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 123.

<sup>3</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, IV, folio 169.

A letter, from Baron d'Arendt, was read.<sup>1</sup>

Congress took into consideration a report of the Board of War on the memorial of Baron d'Arendt; and, Thereupon,

AT A BOARD OF WAR *Jan<sup>y</sup> 16<sup>th</sup> 1781*

Present M<sup>r</sup> Peters Gen<sup>l</sup> Ward Gen<sup>l</sup> Cornell

The Board of War to whom was referred the Memorial of the Baron Arendt so far as respected his Military claims, beg leave to report to Congress.

That by Resolve of Congress of the 19<sup>th</sup> March 1777. the Baron Arendt was appointed Colonel of the German battalion in the room of Col Hausegger. That while on duty in the same year he became ruptured by an accident and so soon as he was fit to resume a command, he was ordered by Gen<sup>l</sup> Washington to take charge of the garrison of Mud Island the command whereof he was obliged to leave by an injury received in the course of duty.

That on the 18<sup>th</sup> August 1778, the Baron obtained a furlough from Congress, for twelve months, to the end that he might during that time, cross the Sea for the benefit of his health.

That it appears by two letters produced to the Board from the honble William Lee to the Baron Arendt dated at Frankfort on the Maine the 3<sup>rd</sup> and 5<sup>th</sup> July 1779. that at the request of M<sup>r</sup> Lee, the Baron being then on his way to America returned to the Court of Prussia to solicit Arms and Military Stores for the State of Virginia, and in one of the said letters M<sup>r</sup> Lee agreed to "recommend it to the State of Virginia to reimburse the Baron for the expences of his journey, when he returned to America, provided that those expences did not exceed twenty five Louis d'ors".

It appears by the Baron's Memorial that he thought this request was sufficient to justify him in discontinuing his intended return to America, as he presumed M<sup>r</sup> Lee by being a Commissioner of the United States had sufficient authority to warrant him in making the request.

Should Congress be of this opinion, they will please to resolve,

That the reasons assigned by the Baron Arendt for not returning to America before the expiration of the furlough granted him by Congress are satisfactory.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 355.

That the Treasury Board be directed to report a Warrant for the pay and subsistence of the Baron Arendt as a Colonel in the service of the United States from the time of his last receipt of the same, to the first of January 1781.

Negatived

That the Baron Arendt be informed Congress have a due sense of his merit, but that it is impracticable, consistent with the arrangements of the Army, to employ him therein, suitable to his rank and therefore that he cannot be considered as in service after the said 1<sup>st</sup> of January 1781.

Should Congress be of opinion that M<sup>r</sup> Lee's request to the Baron to go on a private negotiation was either not intended by that gentleman to interfere with his military obligations, or was, otherwise insufficient to justify the Baron's delay, it may be proper to resolve:

That Baron Arendt be informed that Congress cannot employ him in a station suitable to his merit and rank, in the Army of the United States, consistent with the late arrangements thereof.

*Ordered*, That the Board of Treasury settle the account of Baron d'Arendt, charging him with twenty-five louis paid him by Doctor Franklin, and report a warrant for the balance of pay and subsistence due to him as a colonel in the service of the United States, from the time of his last receipt of the same to the time of the expiration of his furlough, after which time Congress did not consider him in service.<sup>1</sup>

A letter, of this day, from E. Forman and J. Gibson, was read;<sup>2</sup> Whereupon,

According to the order of the day Congress proceeded to the consideration of the papers referred to in their letter, of the 6th, and some time was spent thereon.

The committee to whom was referred the letter, from Governor Jefferson, of January 15th, and the committee on the letter of R. Patten, delivered in their respective reports.<sup>3</sup>

The Committee to whom was referred the letter of M<sup>r</sup> Robert Patten beg leave to submit the following Resolution:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 83.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 62, folio 635.

<sup>3</sup> This paragraph is entered by George Bond.

*Resolved*, That the Officers of the Continental Army described in the Act of the 1<sup>st</sup> of January last, are those who were continued in the Army by virtue of the arrangements which took place, in consequence of the resolutions of Congress of the 17<sup>th</sup> of May, and 24<sup>th</sup> of Nov<sup>r</sup> 1778, and that they are respectively entitled to rank and promotion as if they had been with their Corps<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 14, 1781

A letter, of the 5th, from Governor Clinton, of the State of New York, was read:

*Ordered*, That it be referred to the committee on the letter from the president of the senate and speaker of the house of assembly of that State.

A memorial, of J. Ross, was read:

*Ordered*, That it be referred to the Board of Treasury to devise ways and means for payment of his account.

A memorial of James Morris was read, enclosing an account of damage done by the army encamping on his farm, in 1777:<sup>2</sup>

*Ordered*, That the same be referred to the Board of Treasury, to be filed with others of a similar nature.

The Board of War, to whom was referred the letter of 7, from Benjamin Stoddert, secretary of the Board of War, praying leave to resign, delivered in a report; Whereupon,

AT A BOARD OF WAR Feb<sup>y</sup> 14<sup>th</sup> 1781

Mr Peters

Genl Cornell

The Board having considered the letter from Ben Stoddert, and being assured that the situation of his health will not permit him to remain in office, beg leave to report:

A letter of the 7<sup>th</sup> inst from Ben Stoddert Sec<sup>y</sup> of the Board of War, praying leave to resign, being read,

*Resolved*, That his resignation be accepted.

<sup>1</sup> This report, in the writing of Alexander McDougall, is in the *Papers of the Continental Congress*, No. 19, V, folio 43. It is in the list of postponed reports in No. 31, folio 371.

<sup>2</sup> Clinton's letter is in the *Papers of the Continental Congress*, No. 67, II, folio 344; Ross's memorial is in No. 136, V, folio 123, and his letter of transmittal in No. 78, XIX, folio 335; Morris's memorial is in No. 41, VI, folio 225.

With respect to the claim he exhibits, as it is not supported by resolutions of Congress, the Board conceive Congress alone can determine on it. If they should conceive from his state of facts, that it is a just one, it would be proper in order to avoid establishing a disagreeable precedent to resolve

That the account inclosed in Ben Stodderts letter, be referred to the Board of War, to take order.

Should Congress be of a contrary opinion, a resolution on the subject will not be necessary.<sup>1</sup>

*Resolved*, That his resignation be accepted.

*Ordered*, That the remainder of the report be postponed.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of Charles Morse, one of the clerks in the office of the Secretary to Congress, a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in his favor for seven thousand five hundred dollars of the old emissions, on account of his salary and for which sum he is to be accountable.<sup>2</sup>

The order of the day, to proceed in the consideration of the papers under debate yesterday, being called for;

On motion of Mr. [Thomas] Burke, seconded by Mr. Sharpe [Jesse] Root,

*Ordered*, That the papers under debate yesterday be referred to a committee of three.

The members, Mr. [Joseph] Jones, Mr. [John] Sullivan, Mr. [Jesse] Root.

According to the order of the day, Congress took into consideration the letter from W. Carmichael, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 157.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 103.



## THURSDAY, FEBRUARY 15, 1781

The report of the committee on the letter, of January 15, from the governor of Virginia, being read;

The Com<sup>ee</sup> to whom was referred the letter of the 15<sup>th</sup> of January 1781 from Governor Jefferson report—

That they have agreeably to their instructions, conferred with the Board of War whose ideas on the subject matter of the said letter are contained in a letter to your Committee dated February the second to which the Committee refer—and from the best enquiries your Committee have been able to make they are of opinion that the flesh provisions of Virginia which can be driven to the Southern army or magazines ought to be wholly reserved for that service, that flour and other provisions which require transportation by land and lie near the places where the prisoners are stationed, and remote from navigation ought to be appropriated to the supply of the posts where the prisoners are kept, that the flour and grain to be furnished from the parts of Pennsylvania which lie west of the River Susquehanna, and remote from the navigation thereof and of the waters that run into Cheaseapeak Bay, also from the western parts of Maryland and the parts of Virginia that lie on the head branches of Potowmack and remote from navigation may with the least inconvenience to the general objects of the war, be appropriated for supplying the posts in the western parts of Maryland where the prisoners are stationed—That the flesh meat required from Maryland except such as may be barrellled cannot without great waste and difficulty be sent to the Southern army, and therefore it will be expedient to supply the same to the Posts where the prisoners are stationed—

Whereupon your Committee submit the following resolution—

*Resolved*, That the Commissary General of purchases be ordered to supply the prisoners of war who are or shall be stationed in Maryland with flour and bread from the parts of Pennsylvania lying to the Westward of the River Susquehanna and not convenient to the navigation of that river or any of the waters which run into the Bay of Cheaseapeak, and from that part of Virginia which lies remote from the navigable waters of James and ~~contiguous to the more inland branches of Potowmack rivers,~~ and with flesh provisions from Maryland, and if not sufficient from Pennsylvania and the States to the Northward thereof—

*Resolved*, That all provisions furnished by the said States for supplying the said prisoners shall be credited to their respective quotas of specific supplies<sup>1</sup>

*Ordered*, That it be referred to the committee appointed to confer with Colonel B. Harrison.

The committee appointed to consider the letter, of December 22, 1780, from the governor of Massachusetts, delivered in a report; Whereupon,

*Resolved*, That the President inform the governor of Massachusetts that Congress, sensible of the importance of supporting the eastern Indian department under the superintendence of Colonel John Allen, approve of the care of the executive of Massachusetts in making from time to time the necessary provision for the same, and they are requested to continue such supplies and charge the same to the United States, and it is further resolved that the governor and council of Massachusetts be and hereby are empowered to compleat the company of artillery at the post of Machias to a number not exceeding sixty-five, including such officers as they shall judge necessary for the further security and defence thereof, the said company to be under the command of Colonel John Allen, and to be raised, cloathed, paid and subsisted as continental soldiers at the expence of the United States.<sup>2</sup>

A letter, of 14, from Daniel Hale, was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of Treasury.

A report from the Board of War, on the petition of Captain Paul Bentalon, was read; Whereupon,

<sup>1</sup> This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 147, V, folio 13.

<sup>2</sup> This report, in the writing of Samuel Adams, is in the *Papers of the Continental Congress*, No. 20, I, folio 63.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XII, folio 121.

WAR OFFICE *Feb<sup>y</sup> 12<sup>th</sup> 1781*

Mr Peters, Gen<sup>l</sup> Cornell

The Board having considered the Memorial of Cap<sup>t</sup> Paul Bentalon referred to them, and finding the facts therein stated to be true, beg leave to report.

*Ordered*, That the Memorial of Captain Paul Bentalon be referred to the Board of War to take order.

Should this pass Congress the Board can only give him an order for three months pay in the new emissions, a sum which he says will be very inadequate to his wants, but they know of nothing else that can be done at present.<sup>1</sup>

A letter, of 15th, from the Board of War, was read, enclosing an estimate of articles wanted for equipping Colonel Sheldon's and Moylan's legionary corps, amounting to 116010 $\frac{3}{8}$  dollars new emissions.<sup>2</sup>

*Ordered*, That the same be referred to the Board of Treasury, to devise ways and means for furnishing that sum, and report the same to Congress.

A letter, of 14, from the Board of War, was read, respecting the money due to sundry iron masters:<sup>3</sup>

*Ordered*, That the same be referred to the Board of Treasury, to devise ways and means for paying the said iron masters, and report the same.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of Joseph Carleton, paymaster to the Board of War and Ordnance, approved by the said Board, a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of the said Joseph Carleton, for

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 159.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 136, V, folio 127.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 147, VI, folio 145.

twenty-five thousand dollars in the bills of the old emissions, to be advanced to Alex<sup>r</sup> Rutherford for paying the hired men in the shoe factory, for which sum the said paymaster is to be accountable.<sup>1</sup>

TREASURY OFFICE *Feb<sup>r</sup> 12<sup>th</sup> 1781*

In compliance with an order of Congress of the ninth instant "to lay before them returns from all the respective Loan Offices &c," the Auditor General was by the Board immediately served with a copy of said order and directed to prepare the returns necessary. In the meantime the Board beg leave to call to the remembrance of Congress the information on this subject laid before them by the report of the Board of the 10<sup>th</sup> ult. which report and the enclosures do contain the information now demanded.

The Board further report,

That no returns from any of the Loan Offices since the report aforesaid of the 10<sup>th</sup> ult. relative to the information now required by Congress have been received: but the Board are informed, tho, not officially that the Treasurer of Pennsylvania has paid several sums into the Loan Office of this State, to exchange for the New Money.

The Board of Treasury have had under their consideration, "the representation of the Board of Admiralty to Congress Feb<sup>r</sup> 17<sup>th</sup> 1781" and referred to them, whereupon they beg leave to represent, that with respect to the ten thousand dollars required to be advanced (which the Board conceive are intended to be in the new bills) They are of opinion such advance cannot be made, unless by a warrant reported for that sum on the Loan Office of Massachusetts Bay, at which Office only they are of opinion it can be paid. The sum in the new bills in that office will appear by a report from this Board of the 10<sup>th</sup> ult. subject to very little alteration since by drafts on said Loan Office.

The warrant on Thomas Smith Loan Officer for Pennsylvania in favor of the Treasurer required by the Board of Admiralty to enable the said Treasurer to discharge a balance of a warrant that Board has on him for 602,000 dollars would answer no valuable purpose, as M<sup>r</sup> Smith has not money to discharge such warrant.

The Board further Report:

That Joseph Howell Jun<sup>r</sup> one of the Auditors of accounts for the Main Army has by his letter of the 27 ul<sup>t</sup> informed the Board—that

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 109.

he left Head Quarters with an intent to continue with the troops stationed at Morris Town in order to have adjusted the accounts of the Officers during the Winter. Those Officers and Pay Masters to the Pennsylvania Line have so unexpectedly been removed to this State, it becomes a Matter of consideration, the propriety of Mr Howell's opening his Office for a time during the pleasure of Congress in Philadelphia, for the purpose of settling with the several Pay Masters and Officers of the Pennsylvania line, which the Board are induced to believe is very necessary—and thereupon submit the following resolution :

*Resolved*, That Joseph Howell, jun. one of the auditors of accounts for the main army, be, and he is hereby authorised to open his office in Philadelphia, for the purpose of settling the accounts that may properly come before him, as one of the auditors of accounts for the main army; and that he proceed particularly in the settlement of the accounts of the officers and paymasters of the Pennsylvania line, or other accounts proper to be settled by him, under the direction of the Board of Treasury, subject to be removed to the main army so soon as it shall appear necessary.<sup>1</sup>

Congress resumed the consideration of the letters from W. Carmichael, &c. when the draught of a letter to Mr. Jay, which the delegates of Virginia had moved in pursuance of instructions from their constituents, was debated and agreed to.

The Delegates from Virginia have received an instruction from the General Assembly of that State which authorises them to inform Congress that the zeal of their constituents to promote the general object of the Union and to remove as far as depends on them every reasonable obstacle to the speedy conclusion of an alliance between his Catholic Majesty and these States has so far prevailed over all considerations of a particular interest, that they have consented to withdraw the claim urged in their former instructions to their Delegates on the subject, to the navigation of the River Mississippi, except of such part thereof as forms their Western boundary: provided such cession shall be insisted on by Spain; and relying on Congress for their

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 105.

utmost endeavours to obtain for that and the other states having territory on the said river a free port or ports below such territory. In pursuance of the object of this instruction, the Delegates aforesaid propose that the following letter of instruction be immediately transmitted to the Minister Plenipotentiary of the United States at the Court of Madrid.

SIR,

Congress having since their instructions to you of the 29th September, 1779, and 4 of October, 1780, relative to the claim of the United States to the free navigation of the River Mississippi, and to a free port or ports below the thirty-first degree of north latitude, resumed the consideration of that subject, and being desirous to manifest to all the world, and particularly to his Catholic Majesty, the moderation of their views, the high value they place on the friendship of his Catholic Majesty, and their disposition to remove every reasonable obstacle to his accession to the alliance subsisting between his Most Christian Majesty and these United States, in order to unite the more closely in their measures and operations three powers who have so great a unity of interests, and thereby compel the common enemy to a speedy, just and honorable peace—have resolved, and you are hereby instructed to recede from the instructions above referred to, so far as they insist on the free navigation of that part of the River Mississippi, which lies below the thirty-first degree of north latitude, and on a free port or ports below the same; provided such cession shall be unalterably insisted upon by Spain; and provided the free navigation of the said river, above the said degree of north latitude, shall be acknowledged and guarantied by his Catholic Majesty to the citizens of the United States in common with his own subjects. It is the order of Congress at the same time, that you exert every possible effort to obtain from

his Catholic Majesty the use of the river aforesaid, with a free port or ports below the said thirty-first degree of north latitude for the citizens of the United States, under such regulations and restrictions only as may be a necessary safeguard against illicit commerce.<sup>1</sup>

I am, &c.

S. HUNTINGTON, *President*.

When the question was about being put || to agree to the foregoing letter, || the previous question was moved by Mr. [Thomas] Burke, seconded by Mr. [James] Lovell; And || on the question to agree to the previous question, || the yeas and nays being required by Mr. [Thomas] Bee—

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Sullivan,	no	} no	Mr. McKean,	no	} no
<i>Massachusetts Bay,</i>			<i>Maryland,</i>		
Mr. Adams,	ay	} ay	Mr. Carroll,	no	} *
Lovell,	ay		<i>Virginia,</i>		
Ward,	ay		Mr. Jones,	no	} no
<i>Rhode Island,</i>			Madison,	no	
Mr. Varnum,	no	} no	Bland,	no	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Huntington,	no	} ay	Mr. Burke,	ay	} no
Root,	ay		Sharpe,	no	
Wolcott,	ay		Johnston,	no	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Floyd,	ay	} div.	Mr. Mathews,	no	} no
McDougall,	no		Bee,	no	
<i>New Jersey,</i>			Motte,	no	
Mr. Burnet,	no	} *	<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Walton,	no	} no
Mr. Montgomery,	no	} no	Few,	no	
Atlee,	no				
Clymer,	no				
Wynkoop,	no				
Smith,	no				

<sup>1</sup>The motion and draft of the instruction, in the writing of James Madison, is in the Library of Congress *United States Revolution*, VI. It was presented, the indorsement indicates, February 1 and postponed.

So it passed in the negative.

On the question to agree to the main question or letter  
||of instructions,|| the yeas and nays being required by Mr.  
[James] Lovell—

*New Hampshire,*

Mr. Sullivan, ay } ay

*Massachusetts Bay,*

Mr. S. Adams, no } no

Lovell, no }

Ward, no }

*Rhode Island,*

Mr. Varnum, ay } ay

*Connecticut,*

Mr. Huntington, ay } no

Root, no }

Wolcott, no }

*New York,*

Mr. Floyd, no } div.

McDougall, ay }

*New Jersey,*

Mr. Burnet, ay } \*

*Pennsylvania,*

Mr. Montgomery, ay }

Atlee, ay }

Clymer, ay }

Wynkoop, ay }

Smith, ay }

*Delaware,*

Mr. McKean, ay } ay

*Maryland,*

Mr. Carroll, ay } \*

*Virginia,*

Mr. Jones, ay }

Madison, ay }

Bland, ay }

*North Carolina,*

Mr. Burke, no }

Sharpe, ay }

Johnston, no }

*South Carolina,*

Mr. Mathews, ay }

Bee, ay }

Motte, ay }

*Georgia,*

Mr. Walton, ay }

Few, ay }

So it was resolved in the affirmative.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.<sup>2</sup>

<sup>1</sup> The letter to Mr. Jay and the proceedings following were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4. They are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) IV, 257.

<sup>2</sup> Petitions from John White, George Nagel and Wm. Will, (on behalf of his brother, Philip Will,) were presented on this or an approximate date, each making application for the place of keeper of the State Prison in Philadelphia, in the room of Robert Jewell, deceased. White's is in the *Papers of the Continental Congress*, No. 42, IV, folio 232; Nagel's is on folio 236; Will's is on folio 252.



## FRIDAY, FEBRUARY 16, 1781

The Medical Committee laid before Congress a letter, of January 12, from Doctor J. Browne, acting as surgeon general in the southern army, which was read:

*Ordered*, That it be referred to the Medical Committee.

*Ordered*, That Mr. [William] Burnett be added to the Medical Committee.

A petition of Joseph Greenwood was read:

*Ordered*, That it be referred to the Board of War.

A memorial of Richard Gridley was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War.

A report from the Board of War was read; Whereupon,

WAR OFFICE Feb<sup>y</sup> 16<sup>th</sup> 1781

SIR,

Brigadier General Hand who is appointed Adjutant General is now on his way to Camp, but is prevented from joining the Army by a want of money to enable him to proceed and undertake the duties of his Office. The Board have no power to assist him unless Congress will be pleased to Resolve,

*Ordered*, That the Board of War draw a warrant on the paymaster general for ~~five hundred~~ three hundred and seventy-five dollars in bills of the new emissions, in favour of Brigadier General Hand, on account of his pay, to enable him to proceed to camp and undertake the duties of his appointment as adjutant general, the resolution of the 4th of January notwithstanding.<sup>2</sup>

The committee to whom was referred the papers respecting the convention at Hartford, delivered in a report.

The Committee to whom was referred the papers respecting the Convention at Hartford, Report,

That for the dispatch of business a committee of three members of Congress, of whom the president shall always be one, be appointed

<sup>1</sup> Greenwood's petition, dated January 2, 1781, is in the *Papers of the Continental Congress*, No. 42, III, folio 224; Gridley's memorial dated October 13, 1778, is in No. 41, III, folio 387.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 161.

to receive all public dispatches addressed to Congress, and that they be authorized to refer them to such of the departments as are proper to consider them, ~~either to report to Congress or take order on them as the case may require. Except such of them as in their opinion demand the immediate and more particular attention of Congress, which shall accordingly be laid before Congress, at their first meeting after receipt of the same.~~

Whereas all persons who hold or have held offices of trust or emolument under Congress are amenable to them, or to such Judicatures as they shall appoint, for all offences and delinquencies committed by them whilst in office; Therefore

*Resolved*, That three persons be appointed to constitute a Court of Judicature for the tryal and determination of all causes relative to offences committed against the United States in the civil departments thereof;

That an Attorney General for the United States be appointed by Congress, whose duty shall be to prosecute all suits in behalf of the United States. To give his advice on all such matters as shall be referred to him by Congress. And when any case shall arise in any of these states, where his personal attendance is rendered impracticable, he shall be authorized to appoint a Deputy or Deputies to prosecute the said suit.

That the sallary of the Attorney General be \_\_\_\_\_ dollars per annum, in lieu of all Counsel's fees, for his services as aforesaid, but that he be entitled to all other customary Court fees.<sup>1</sup>

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [Alexander] McDougall,

*Resolved*, That no member speak twice upon any question in debate, until every member who chooses, shall have spoken once upon the same.

Congress was resolved into a Committee of the Whole; and, after some time, the President resumed the chair, and Mr. [John] Mathews reported, that the Committee have considered farther the reports on finance, but not having come to a conclusion, desire leave to sit again:

<sup>1</sup> This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 33, folio 419.

*Ordered*, That to Morrow Congress be resolved into a Committee of the Whole, to consider farther the reports on finance.

On motion of the Committee of Commerce,

*Resolved*, That the Committee of Commerce be, and hereby are authorised to employ a suitable person to arrange the accounts of the said committee.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, FEBRUARY 17, 1781

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *Feb<sup>y</sup> 17<sup>th</sup> 1781*

The Board of Treasury beg leave to report,

That upon the application of Philip Audibert Assistant to the Pay Master General approved by the Board of War by their order on John Pierce Pay Master General in favor of Brigadier General Hand for three hundred and seventy five dollars in the new emission (as appears by their order presented by General Hand at the Board) a warrant issue on Thomas Smith Esq. Commissioner of the Continental Loan Office for the State of Pennsylvania in favor of John Pierce Pay Master General for three hundred and seventy five dollars in the bills of credit emitted pursuant to the Act of Congress of the 18<sup>th</sup> of March last, to enable him to pay the order of the Board of War as aforesaid and for which sum the said Pay Master General is to be accountable.<sup>1</sup>

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of John Pierce, paymaster general, for three hundred and seventy-five dollars of new emissions, to enable him to pay the order of the Board of War in favour of Brigadier General Hand, the paymaster general to be accountable.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 117.

A letter, of 14, from Will. Parker, was read:<sup>1</sup>

Referred to the Board of Treasury.

A memorial, of Daniel Broadhead, Jun<sup>r</sup>, was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of Treasury to take order.

On motion of Mr. [Thomas] Bee;

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Major Giles, for five thousand one hundred dollars, to defray his expences on the road from the southern army with the late dispatches.

A report from the Board of War was read; Whereupon,

WAR OFFICE *Feb<sup>y</sup> 17<sup>th</sup> 1781*

Present

Mr Peters Gen<sup>l</sup> Cornell

The Board beg leave to represent that by an act of Congress, military commissions are to be countersigned by the Secretary of the Board of War, which Office is vacant by the resignation of Mr. Stoddert. That the public business may not be delayed, the Board wish that Mr Carleton Secretary of the Board of Ordnance, and Pay Master of the Board of War and Ordnance may be appointed to do the duty, as he is acquainted with the business and will be able to give the Board more assistance than any other person.

They therefore beg leave to report,

*Resolved*, That Joseph Carleton be, and he is hereby appointed secretary of the Board of War, in the room of B. Stoddert resigned, until the further order of Congress.<sup>3</sup>

A memorial of the owners of a frigate building at Kensington was read:

*Ordered*, That it be referred to the Board of Admiralty.

A motion was made by Mr. [Henry] Wynkoop, seconded by Mr. [Samuel John] Atlee:

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 349.

<sup>2</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, I, folio 337.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 169.

*Ordered*, That it be referred to the Committee of the Whole.

*Ordered*, That the committee appointed to estimate the amount of the debts due from the United States be and hereby are instructed to devise and report ways and means for defraying the expences of the current year.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR, *Feb'y. 14, 1781.*

Mr. Peters

Genl. Cornell.

The Board having reconsidered the memorial of Mr. Christopher Ludwick, beg leave to report,

*Resolved*, That the principal superintendant of bakers, in the army of the United States, receive, in bills of the new emissions, 50 dollars per month, and two rations a day, and forage for one horse:

That the superintendant of bakers make regular monthly returns to the commissary general of issues; and that he receive monies, from time to time, by warrants from the Commander in Chief, out of the military chest, for payment of wages, and carrying on the business of his department:

That Mr. Christopher Ludwick, who has acted with great industry and integrity in the character of principal superintendant of bakers, be, and is hereby continued in that employment; and that he be empowered to hire or inlist any number of bakers, not exceeding thirty, on such terms as the Board of War shall think proper:

That Mr. Christopher Ludwick receive, as a compensation for all past services, one thousand dollars, in bills of the new emissions.<sup>1</sup>

Adjourned to 10 o'Clock on Monday.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 165.

MONDAY, FEBRUARY 19, 1781

A letter, from Lieutenant Colonel U. Forrest, was read:

*Ordered*, That it be referred to a committee of three.

The members, Mr. [Daniel] Carroll, Mr. [John] Sullivan, Mr. [John] Mathews.

A letter, of 3, from J. Cochran, was read, signifying his acceptance of the office of director general of the hospital.<sup>1</sup>

A letter, from Major General A. St. Clair;<sup>2</sup> and

A letter, from Colonel S. Elbert, were read:

*Ordered*, That they be referred to the Board of War

A petition from Thomas Chase was read:

*Ordered*, That it be referred to the Board of Treasury.

A memorial of John Bartlet was read:<sup>3</sup>

*Ordered*, That it be referred to the Medical Committee.

A letter, of 13, from General Washington, was read, with sundry papers enclosed:<sup>4</sup>

*Ordered*, That so much thereof as relates to the treatment of prisoners be referred to the Board of Admiralty.

A letter, of 15, from the president of Delaware, was read.<sup>5</sup>

The committee appointed to confer with Colonel B. Harrison; and

The committee appointed to estimate the debts of the United States;  
delivered in their respective reports:

The Committee appointed to Estimate the amount of the debts due from the United States and who were instructed to devise ways and means for defraying the Expences of the current year, beg leave to submit the following Report and Estimates.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, VI, folio 11.

<sup>2</sup> This letter, dated February 19, 1781, is in the *Papers of the Continental Congress*, No. 161, folio 521.

<sup>3</sup> Chase's Petition, dated January 31, 1781, is in the *Papers of the Continental Congress*, No. 42, II, folio 94; Bartlett's memorial is in No. 19, I, folio 241.

<sup>4</sup> This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 549.

<sup>5</sup> This letter is in the *Papers of the Continental Congress*, No. 70, folio 765.

That upon examining the Papers presented to Congress by the late Committee for Estimates and Ways and Means they conceived it necessary, in order to discharge the business referred to them with any degree of satisfaction, to obtain information which did not fall within the view of that Committee.

That your Committee accordingly applied for returns from several of the public officers: particularly from the Commissary General and Assistant Quarter Master General; directing that each of their estimates of debts due from their Departments should distinguish the amounts of Certificates issued for supplies for the Army.

That it will appear from the answer of the agent for the Commissary General herewith presented, his principal being at the Head Quarters of the Commander in Chief, that the prospect of an estimate from that Department is remote. Estimate N<sup>o</sup> 24.

That M<sup>r</sup> Pettit assistant Quarter Master General furnished your Committee on Saturday last with an Estimate of the debts due from his Department which with his Letter and the other Estimates hereafter noted, numbered from N<sup>o</sup> 1 to N<sup>o</sup> 25; are submitted and referred to, as explanatory of this Report. Estimate N<sup>o</sup> 10.

That the unsettled condition of the publick accounts admits only of an imperfect Estimate of the debts due from the United States. No precision can be expected till there shall be a liquidation of the accounts between the United States and each particular State. Your Ministers at Foreign Courts; Commercial Committee and Agents; the Admiralty and Navy boards; the War office and Commissary of Military Stores; Commissaries and Quarter Masters; and Individuals who have claims against the publick.

Your Committee therefore, are only able, from the information they possess, and the materials which they have collected, to lay before Congress a general view of the publick debt, and in some instances founded on mere probability.

The Debts due on Loan Office Certificates as far as returns are made to the Board of Treasury to the 16<sup>th</sup> Estimate N<sup>o</sup> 10.

Instant, amount to sixty millions five hundred and fifty-eight thousand four hundred and forty four Dollars; equal according to the Table of Depreciation and computed on the 15<sup>th</sup> day of every month, to eleven million three hundred and ninety one thousand five hundred and forty-four specie dollars.

Estimate N<sup>o</sup> 10. Of this sum Interest is drawn by Bills of Exchange on France for seven millions three hundred and thirty-one thousand three hundred and six dollars; that Interest annually amounting to four hundred and thirty-eight thousand seven hundred and ninety three dollars and three seventieths.<sup>1</sup>

439878-<sup>25</sup>/<sub>100</sub><sup>1</sup>

244696-<sup>34</sup>/<sub>100</sub>

The Interest of the remaining four millions seventy eight thousand two hundred and seventy eight dollars is unfunded and unprovided for, and that Interest amounts annually to two hundred and forty four thousand six hundred and eighty three dollars.

The Debt contracted in Europe can only and but very imperfectly be estimated from the Bills of Exchange drawn on our Ministers, at foreign Courts.

#### ESTIMATE OF DEBTS CONTRACTED IN EUROPE

Bills of Exchange on France		
for payment of Interest borrowed previous to 1 <sup>st</sup> March 1778 amount in Specie dollars to . . . . .		933, 165
For other purposes to . . . . .		1, 103, 648
		<hr/>
		2, 066, 813
Estimate N <sup>o</sup> 10. Bills on Spain . . . . .		518, 502
Bills on Holland . . . . .		543, 428
		<hr/>
Total amount in Specie dol <sup>r</sup> . . . . .		<u>3, 128, 743</u>

Your Committee have it not in their power to state with any certainty the advances which have been made to your Ministers at the Court of France. They are indebted to the Honorable M<sup>r</sup> Lovell who is possessed

<sup>1</sup> The figures in the margin were wrtten by Thomson, in correction, apparently, of the amounts given in the report.



of the foreign papers for extracts from D<sup>r</sup> Franklin's Letters from which they collect the following:

Estimate of aids in money acknowledged by our Minister to be received from the Court of France.

An Aid of . . . . .	2, 000, 000	1777. April to
a further aid of . . . . .	3, 000, 000	Septem <sup>r</sup> . Decembr.
an additional aid of . . . . .	3, 000, 000	1780 March.

Besides these Sums D<sup>r</sup> Franklin mentions in a letter of the 26<sup>th</sup> of May 1779 that his most Christian Majesty had under his hand engaged his responsibility for 3,000,000 Livres to be borrowed in Holland, of which this Minister had then received 80,000 Florins equal to

1779. May.

But supposing the whole to have been since received . . . . .	3, 000, 000
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Total will amount to . Livres .	11, 000, 000
Equal at 5 Livres to a Dollar, to Specie Dollars . . . . .	2, 200, 000

and it would only exceed the amount of the bills drawn on France by one hundred and thirty three thousand one hundred and eighty seven specie dollars. It is known however from Mess<sup>rs</sup>. De Nieuville and Sons correspondence,—That D<sup>r</sup> Franklin eventually paid the first bills drawn by Congress on M<sup>r</sup> Laurens which those gentlemen took up for the honor of the United States. It is also known that he has purchased clothing and arms and supplied the other Commissioners and Ministers with money independant of his own support. He must therefore have received further aids than are to be discovered from extracts of the Letters to which we have referred.

From the Report of the Committee on D<sup>r</sup> Lee's account, it appears that he received from the Court of Spain thro' M<sup>r</sup> James Cardoqui 75.000 Livres, equal to 15000 Specie Dollars; but on what condition is not stated either by D<sup>r</sup> Lee's memorandum or that Committees Report.

See the report.

There is no account of the supplies of Arms, Ammunition and Cloathing procured in Europe on the credit of the United States.

There may be materials for such an estimate among the commercial papers but they are represented to be in such disorder that your Committee thought it needless to make the attempt.

Act of Congress  
18<sup>th</sup> March 1780.

The next article of publick debt arises from the Emissions of paper money. We can at present only State it upon the principles held out by the act of the 18<sup>th</sup> of March, and supposing that it will take effect.

By the operation of this system the old emissions of bills of credit amounting to two hundred Millions of Dollars will be reduced to Ten Millions of Dollars equal to Specie bearing an Interest of ~~six~~ five per cent, the principle and interest to be sunk by Taxes within Six years one sixth part of the whole annually.

See Mr Pierce's  
letter and esti-  
mate.

The pay and subsistence in arrear to the Army up to the last day of December 1780 according to the Pay-Master's Return is estimated at one Million of specie dollars.

The Loan officers have not made Returns of their several *Interest accounts*; but there is little doubt that a year's interest is due to the holders of those Certificates, deducting four hundred and thirty eight thousand seven hundred and ninety eight dollars Interest payable in France, there will remain unfunded, and to be paid by the United States, two hundred and forty four thousand six hundred and eighty three dollars.

The Quarter Master and Commissary's Departments open a large field for claims against the United States, as well as for embarrasments in collecting the taxes. The Committee have already noticed the estimate of Mr Pettit Assistant Quarter Master General. His materials as appears from his explanation and letter are far from being perfect.

Estimate No. 22

He sums up the debts due from that department as follows:

Ascertained for which certificates are given . . . . .	20, 758, 850
Debts by estimates not returned, as certified . . . . .	27, 149, 870

Total debts supposed . . . . .	47, 908, 720
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to be due in money of the old emissions.

It has already been observed that there is no Estimate from the Commissary General; but experience has shewn that latterly his and the Quarter Master's departments have expended annually nearly an equal sum. For the satisfaction of Congress on this point, your Committee refer to an account from the Treasury which shews that from April 1778 to October 1779 the difference in the expenditures of these Departments was inconsiderable.

Account N<sup>o</sup> 23.

Dollars of  
old emissions.

We therefore venture on the credit of Mr Pettit's Estimate to state the debts of these departments at 47,908,720 dollars of the old emissions, each, and they will amount to . . . . .

95, 817, 440

From this sum is to be deducted the balance due from the states on their monthly tax of 15,000,000 dollars to February 1780 inclusive, these taxes being generally received in Quarter Masters and Commissaries' Certificates. North Carolina, South Carolina and Georgia are not comprehended, because the debts due to them in those departments are not included in Mr Pettit's Estimate.

Estimate  
N<sup>o</sup> 11 A.  
N<sup>o</sup> 11 B.

Deduct therefore . . . . . 31, 851, 284

Remains due in the Commissary and Quarter Master's Depart<sup>t</sup> . . . . . 63, 966, 156

If this balance is to be computed at 75 for one it will be addition to the public debt in Specie dollars of, equal in Specie Doll<sup>r</sup>, 852,822.

852, 882.

Upon these principles and materials the debt from the United States is thus estimated in Specie value.

Dollars.

General Estimate of the Debts due from the United States.

On Loan office certificates . . . . . 11, 391, 564 11,391,544.

On bills of exchange drawn on your several ministers in Europe . . . . . 3, 128, 743

	Dollars.
On bills of credit to be issued on the security of the United States agreeably to the Resolution of the 18 <sup>th</sup> of March 1780 which cancels the debt of 200,000,000 emitted in Continental Dollars . . . .	10, 000, 000
For pay and subsistence in arrear to the Army on the last of Decemebr 1780 . .	1, 000, 000
244,696 For one years Interest on the Loan office Certificates to be paid in the United States	244, 683
From the Commissary General's and Quartermaster General's department inclusive of the Certificates to be received for	
852,882 Taxes required before the 1 <sup>st</sup> March 1780	852, 822

Total . . . . . 26, 617, 812

exclusive of the articles which for the reasons before mentioned cannot be at present estimated.

Your Committee beg leave to observe that of the articles which compose the public debt immediate provision ought in their opinion to be made for the following, viz:—

The pay and arrears due to the Army . .	1, 000, 000
The years Interest due on the Loan Office Certificates payable in the United States	244, 685
The Debt remaining due beyond the taxes to the 1 <sup>st</sup> March 1780 in the Commissary and Quarter Master's Departments . .	852, 822

Total . . . . . 2, 097, 507

Congress have called upon the States for an aid to discharge as part of the arrears of pay and subsistence to the Army of . .	879, 342
---	----------

If that Requisition is conceived effectual, there remains to be provided for . . . 1, 218, 165

Besides this, funds are to be provided to pay the Interest incurred on the Loans already effected; and which will become necessary to support the War.

Your Committee take it for granted that the Interest of the ten millions of dollars in bills of Credit circulated upon the plan of the 18<sup>th</sup> of March is to be considered as funded by the respective states according to their Quotas.

Whether Doctor Franklin has obtained an aid from the Court of France to enable him to pay such part of the Interest of Loan Office Certificates as is drawn for upon him during the war or for any particular period; or whether he depends on the success of his solicitations as it becomes due, has not, as we find, been explained.

Under these circumstances it would be for the credit and honor of the United States if a permanent and productive fund could be provided and appropriated for the payment of the Interest of all the Loan office debt: as well as the Interest accruing from the Bills of Exchange drawn upon our Ministers in Europe.

That a fund must be assigned as a security for the Interest of the money hereafter to be borrowed to support the war and is not to be doubted: what sum will be necessary cannot be pointed out on any precise estimate: because your Committee are not possessed of any means by which the wealth or resources of the respective states, and their ability to contribute to the public expenditures by annual taxes, can be ascertained. But if we may judge from the difficulties and disappointments hitherto experienced in raising the supplies a further Loan of ten millions of Specie Dollars in addition to the five millions lately requested from the Court of France for the service of the ensuing campaign, will be necessary to reestablish public credit; and to prosecute the war with success.

In this view the funds to be provided and appropriated to discharge an Interest of six per cent, on the several loans before mentioned, ought to produce as follows:

1<sup>st</sup> Estimate of Interest to be funded—

For the Interest of the Loan Office Certificates amounting to 11,391,564 Dollars . . . . .	683, 493. $\frac{25}{100}$
For the Interest of Bills of Exchange drawn on our Ministers in Europe amounting to 3,128,743 Dollars . .	187, 724. $\frac{50}{100}$

For the Interest of 5,000,000 Specie Dollars lately requested from the Court of France for the service of the next campaign . . . . .	300, 000
For the Interest of a further sum of 10,000,000 of dollars now proposed to be borrowed . . . . .	600, 000
Total . . . . .	1, 771, 218. $\frac{5}{100}$
If the duty of 5 per cent on importations required from the states by the late act of Congress should be appropriated as an Interest fund, which will render it most advantageous—it is supposed that it may produce during the war .	
	533, 333 $\frac{1}{2}$
Remains an unfunded Interest of .	1, 237, 885 $\frac{23}{100}$
The produce of the above duty is thus Estimated:	
Imports into the United States before the war were usually estimated at 4,000,000 Dollars.	
Supposed to be reduced to . . . .	1, 200, 000
Advance value on importation . . . .	1, 500, 000
	2, 700, 000 Sterl <sup>r</sup>

Duty at 5 p. Cent, 135,000 Sterl<sup>r</sup>:

In Penn<sup>a</sup> Curr<sup>r</sup> 200,000, equal as above to 533,333  $\frac{1}{2}$  Specie Dollars.

But if it should appear to Congress as indeed it does to their Committee, that the states under our present embarrassed circumstances, will not be able to assign efficient and permanent funds for so large a sum as ~~1,200,000~~ Specie Dollars annually in addition to the impost upon Trade,

Then your Committee submit the following proposition—

To leave the Interest accruing on that part of the *Loan office debt* for which the creditors are entitled to bills of Exchange, for the present *unfunded*, trusting that the Court of France will continue to make provision for it as heretofore on the general credit of the United States.

On the same ground to leave unfunded for the present the Interest on *all the Loans* borrowed and negotiating at

the Court of France and in Spain; but to make provision for the Interest of the Bills drawn on Holland, for this at least appears to be necessary.

In this view the following estimate is submitted:

2<sup>d</sup> Estimate of Interest to be funded:

Annual Interest of such part of the Loan office debt, as is payable in the United States . . . . .	244, 683	
The like of the Bills drawn on your Minister in Holland . . . . .	32, 605	$\frac{6}{100}$
The like of 10,000,000 of Dollars proposed to be borrowed in addition to the aid of 5,000,000 requested from the Court of France for the service of the next campaign . . . . .	600, 000	
Total . . . . .	877, 288	$\frac{6}{100}$
Deduct the Supposed produce of the Duty on Imports . . . . .	533, 333	$\frac{1}{2}$
Remains unfunded . . . . .	343, 955	

As new arrangements are taking place in the four great executive Civil Departments it Seems not to be essential to state the expence of the Civil List. Your Committee however Submit an estimate for the year 1780 marked N<sup>o</sup>. 26, amounting to sixty nine thousand nine hundred Specie dollars.

Estimate N<sup>o</sup>. 26.

Your Committee having thus stated the public debt of the United States and the funds necessary to secure the Interest of the Loans proceed upon the materials and information of which they are possessed to estimate the probable *expenditures* and the ways and means for the current year from the first day of January.

Estimate of the Expences of the War for the year 1781:

Provisions and Forage reduced on an estimate approved of by Congress to . . .	Specie Dollars.	Estimate N <sup>o</sup> . 9.
Quarter Master's Department computed on the experience that the expence of this branch and the Commissary's have uniformly been nearly equal . . . . .	6, 000, 000	
	5, 000, 000	Estimate N <sup>o</sup> . 23.

Pay and subsistence of the Army voted by	
<small>Estimates No. 1: to No. 8. Inclusive.</small> Congress, on accurate estimates . . .	5, 114, 897
Levy money for recruiting up to the new arrangement; supposed 20,000 men at 100 Specie dollars, each . . . . .	2, 000, 000
Extras may be moderately stated at . .	1, 885, 103
Total . . . . .	20, 000, 000

It ought to be observed that the price of provisions is regulated by the act of Congress in February far beyond what they might be purchased for specie. This mode of calculation also capitally affects the article stated for the expence of the Quarter Master's Department.

In this estimate arms, ammunition, ordnance, military stores and cloathing are not included; as we depend on importing the chief of these articles from France: And your Committee have no materials to justify even a conjecture of the expence of the military preparations which may be made under the direction of the Board of War or at the several Laboratories &c: Nor for the reason last assigned are they able to state the expence of the Marine Department's maintenance of prisoners &c: &c:

They proceed therefore to exhibit the

Ways and Mean for the year 1781.

The specific supplies of provisions required from the	
<small>Estimate No. 9. Act of Congress of Nov. 1780.</small> States, amounts, <i>on the very large prices allowed by the act of Congress of the [25<sup>th</sup>] Feby, 1780</i> to	4,357,012.
A specie tax intended for forage is also re- quired from the States of . . . . .	1, 642, 988

Total required by the States by the act of	
4 <sup>th</sup> Nov. . . . . Specie Dolls. . . . .	6, 000, 000
The States are also to furnish the countys money for recruiting the Army esti- mated at . . . . .	2, 000, 000
The plan of the 18 <sup>th</sup> of March is to produce to the publick Treasury . . . . .	4, 000, 000
The Loan from France requested by the Act of the . . . . .	5, 000, 000
Total . . . . .	17, 000, 000



If all these Means should be productive to  
 their full extent there will be a deficiency  
 of . . . . . 3, 000, 000

on the expence of the land forces exclusive  
 of all other contingencies.

But it is to be observed that of the four  
 millions which are to arise from the plan  
 of the 18<sup>th</sup> of March there is already an-  
 ticipated by warrant drawn by Congress  
 on several of the Loan offices . . . .

Estimate No. 25.

355, 473

South Carolina being in the hands of the  
 enemy it is obvious that her Quota must  
 be altogether deficient. Her Quota of  
 the old Emission is 15,600,000 Dollars:  
 of the new, 780,000 of which her 6/10<sup>ths</sup> is  
 468,000, and the 4/10<sup>ths</sup> of Congress is .

Estimate No. 32.

312, 000

If North Carolina should fail—and there  
 is too much reason to expect it from the  
 change of our Southern affairs and the  
 operations of the war in that quarter—  
 her Quota of the old Emission is  
 13,000,000; of the new, 650,000, of which  
 her 6/10<sup>ths</sup> is 390,000, and the 4/10<sup>th</sup> sub-  
 ject to the orders of Congress amounts  
 to . . . . .

260, 000

If New York should also fail, as is to be ap-  
 prehended from her late Misfortunes and  
 the Representations of that Government  
 her Quota of the old money is 9,750,000;  
 of the new 487,500 Her 6/10<sup>ths</sup>, 292,500;  
 the 4/10<sup>ths</sup> subject to the approbation of  
 Congress . . . . .

195, 000

If the requisition of the 15<sup>th</sup> of January  
 1781, for an immediate supply to pay the  
 arrears due to the army and required in  
 Specie or bills of the new emissions was  
 not an additional tax but a part of the  
 supply called for by the act of the 4<sup>th</sup> of  
 November there will be a further defi-  
 ciency of . . . . .

879, 342

Total Deficiency on this calculation of the 4,000,000 intended for the Service of the Current year . . . . .	2, 001, 815
and hence it appears that no more can be depended upon from that system than 1,998,185.	
If then we add the deficiency above stated of on the Ways and Means.	3, 000, 000
	<hr/> 5, 001, 815

Hence it is manifest that further ways and means are to be devised for the Service of the Current year.

Your Committee for the information of Congress lay before them,

Estimate No. 32. An estimate containing an account of the monies which the States have been called upon to levy and pay into the public Treasury for the Support of the War from the 22<sup>d</sup> November 1777; and your Committee are of opinion that the Board of Treasury ought to be directed to procure official returns from the States specifying how far the said several requisitions have been complied with that Congress may be enabled to form a judgment what additional aids may be required from them with a prospect of their being produced.

Your Committee beg leave to subjoin—

No. 27. 28. and 31. A general estimate of the expenditures of the United States for the years 1776, 1777, 1778 and 1779.

And a State of the Armies of the United States including the Militia from New Hampshire to North Carolina, employed in those years; taken from the returns at the season of each year when the armies and militia consisted of the greatest numbers.

An account of the 4/10<sup>th</sup> of the new emissions lodged in the different loan offices, and lastly—

An estimate shewing the effect of exchanging the money of the *old* for the *new* which is to be emitted on the act of the 18<sup>th</sup> of March at 75 instead of 40 for one as lately directed by a law of the State of Pennsylvania.

JA<sup>s</sup> DUANE, *Ch<sup>n</sup>*.<sup>1</sup>

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 34, folio 19. The papers accompanying it follow in the same volume.

*Ordered*, That the report of the latter be referred to the Committee of the Whole.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *Feb<sup>y</sup> 15<sup>th</sup> 1781*

The Board of Treasury have considered the letter of E. Cornell Esq. read in Congress and referred to them the 12 instant. Whereupon the Board beg leave to report,

That warrants are already drawn upon Mr Smith Commissioner of the Continental Loan Office for the State of Pennsylvania to a greater amount, both in the old and new emissions than he has money to discharge.

The Board further report,

That on the application of James Wilkinson Esq. Clothier Gen<sup>l</sup> of the S<sup>th</sup> inst approved by the Board of War, a warrant issue in his favor on Thomas Smith Esq Comm<sup>r</sup> of the Continental Loan Office for the State of Pennsylvania for four thousand dollars of the new emissions, to enable him to discharge in part the arrearages due the Officers in the Clothing Department: and for which sum the aforesaid James Wilkinson Clothier General is to be accountable.

The Board further report,

~~That they have considered the memorial of John Ross, read in Congress the 14<sup>th</sup> instant and referred to them whereupon they beg leave~~  
 Reconsidered. ~~to observe, that they do not know any way of making payment to Mr. Ross, except by bills of exchange on Europe, the propriety of which is again submitted to Congress.~~<sup>1</sup>

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favor of Ezekiel Cornell, for five hundred and fifty-seven dollars, and twenty-seven ninetieths of a dollar, in bills emitted pursuant to the act of 18 March, in lieu of the warrant drawn in his favor for the like sum on the treasurer, 27 December, which is to be cancelled.

On motion of the delegates of Virginia;

*Ordered*, That the quartermaster general be and hereby is directed to transport to Fort Pitt four tons of powder, to be delivered to the order of the State of Virginia, and for which

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 111.

the said State is to be accountable; that the expence of such transportation be charged to the said State, and that a warrant be issued by the Board of Treasury, in favour of the said quartermaster general, on the treasury of Virginia, for twelve hundred dollars, in bills emitted pursuant to the resolution of 18 March last, for which the said State is to be credited.<sup>1</sup>

Sundry letters from the hon<sup>ble</sup> B. Franklin were read, under the following dates: March 4, May 31, June 1, August 9, December 2 and 3<sup>d</sup>, with sundry papers enclosed:<sup>2</sup>

*Ordered*, That so much thereof as relates to the difference between Captain J. P. Jones and Captain Landais, and also to the detention of the cloathing, be referred to the Board of Admiralty.

That the letters of December 2 and 3<sup>d</sup> be referred to a committee of three.

The members, Mr. [Joseph] Jones, Mr. [Samuel] Adams, Mr. [Thomas] Burke.<sup>3</sup>

A number of letters from the hon<sup>ble</sup> J. Adams were rec<sup>d</sup>, under the following dates: March 3, April 6, 7, 8, 10, 11, 14,

<sup>1</sup> This order was also entered in the manuscript Secret (Domestic) Journal.

<sup>2</sup> The letter of March 4, 1780, is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 534; that of May 31, page 742; June 1, page 751; August 9, IV, 21; December 2, page 177; December 3, page 179.

<sup>3</sup> In Joseph Jones's writing, undated, are some notes for the report of this committee as follows, the fragment being in the *Papers of the Continental Congress*, No. 31, folio 325:

The Committee to whom were referred the letters of the Honorable Benj<sup>a</sup> Franklin of the 2<sup>d</sup> and 3<sup>d</sup> of December last—

Report—

That the Committee concurring in opinion that Dr Franklin's contract with the Minister of the Finances in France, on the part of these United States for furnishing to the King's Land and Naval forces in America provisions to the amount of 400,000 dollars value, at 5 livres tournois per dollar, to be furnished at the current prices for which they might be bought in silver specie ought fully and speedily to be complied with, thought it necessary to ~~consult~~ inform the Hon<sup>ble</sup> M<sup>r</sup> Holker Consul General of France of the Contract and to consult him with respect to the kind of provisions wanting for the King's forces in America, the time when and place where they would be most convenient, to which application of your Committee M<sup>r</sup> Holker returned the following answer.

15, 17, 18, 19, 23, 24, 25, 26, 28, 29, May 2, 3, June 1, July 6, 7, 14, 15, 19, 22 and 23.<sup>1</sup>

A letter, of 9, from the governor of Virginia, was read.

A motion was made by Mr. [Thomas] Bee, seconded by Mr. [James Mitchell] Varnum,

That Captain John P. Jones, lately arrived from France, be directed to attend Congress on Monday next, to lay before them every information in his power, relative to the detention of the cloathing and arms belonging to these United States, in France: and that the doors of Congress be open during such examination:

After debate, a motion was made by Mr. [Samuel] Adams, seconded by Mr. [William] Sharpe,

That the farther consideration thereof be postponed, on which, the yeas and nays being required by Mr. [Thomas] Bee:

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Sullivan,	ay	} ay	Mr. Burnett;	ay	} ×
<i>Massachusetts,</i>			<i>Pennsylvania,</i>		
Mr. Adams,	ay	} ay	Mr. Montgomery,	no	} no
Lovell,	ay		Atlee,	no	
Ward,	ay		Clymer,	no	
<i>Rhode Island,</i>			Smith,	no	
Mr. Varnum,	no	} no	<i>Delaware,</i>		
<i>Connecticut,</i>			Mr. McKean,	no	} no
Mr. Huntington,	ay	} ay	<i>Maryland,</i>		
Root,	ay		Mr. Carroll,	no	} ×
Wolcott,	ay		<i>Virginia,</i>		
<i>New York,</i>			Mr. Jones,	ay	} ay
Mr. Duane,	no	} ay	Madison,	ay	
Floyd,	ay				
McDougall,	ay				

<sup>1</sup> These letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) as follows: March 3, Vol. III, page 528; April 7, III, 599; April 8, III, 602; April 10, III, 604 and 606; April 11, III, 610; April 14, III, 612; April 15, III, 615; April 17, III, 618; April 18, III, 620; April 24, III, 626; April 25, III, 629; April 26, III, 632; April 28, III, 635; April 29, III, 640; May 2, III, 644; May 3, III, 648; June 1, III, 747; July 6, III, 834; July 7, III, 837; July 14, III, 857; July 15, III, 859; July 19, III, 869; July 22, III, 873; July 23, III, 877.

<i>North Carolina,</i>			<i>Georgia,</i>		
Mr. Burke,	ay	} ay	Mr. Walton,	no	} no
Sharpe,	ay		Few,	ay	
Johnston,	ay		Howly,	no	
<i>South Carolina,</i>					
Mr. Mathews,	no	} no			
Bee,	no				
Motte.	no				

So it passed in the affirmative.

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, FEBRUARY 20, 1781

Mr. M[eriwether] Smith, a delegate for Virginia, attended and took his seat in Congress.

A letter, of 2, from the governor of North Carolina,<sup>1</sup> and

A letter, of 12, from the governor of Virginia, were read.<sup>2</sup>

Congress took into consideration the report of the committee to confer with Colonel Harrison, whereupon,

The Committee appointed to confer with Col. Harrison, beg leave to report that it appears to them absolutely necessary for the protection of the Southern States that ten thousand regular troops be employed in the Southern Department.

That to complete this number all the troops from Pennsylvania to Georgia inclusive should compose the Southern army.

That for their subsistence all the provisions required from the States Southward of Pennsylvania by the Act of Congress of the 4<sup>th</sup> of November last will be necessary.

That for supply of that army, the following articles, exclusive those already provided are requisite, viz.

10000 suits of clothes complete.

860 tents.

5000 musquets with bayonets and cartridge boxes.

8000 knapsacks.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 72, folio 119.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 71, 11, folio 31. A letter, of 8, from the governor of Virginia was also read, as the indorsement shows; it is on folio 27.

6000 haversacks.

8000 canteens.

700 camp kettles.

8000 blankets.

10 tons of musquet powder.

5 tons of cannon do.

20 tons of lead.

That 400 waggons ought to be procured and employed in the Southern Department for transporting provisions to the Southern army.

That the Board of War should be directed to furnish the necessary ammunition and equipments for the cavalry and artillery not comprised in the above estimate.

That your Committee therefore submit the following resolutions, viz.

*Resolved*, That the southern army be composed of all the regular troops, from Pennsylvania to Georgia, inclusive, except Moylan's dragoons, and those on command on the western frontiers; and that the Commander in Chief be, and hereby is directed to order the troops of the Pennsylvania line, except as above, to join the army in Virginia, by detachments, as they may be in readiness to march:

That the deputy quartermaster in Pennsylvania be, and he is hereby directed to put the waggons belonging to the Pennsylvania line, in order for service immediately:

That the several states southward of Pennsylvania be, and hereby are required to furnish their respective quotas of supplies to the southern army, timely and regularly:

That the states aforesaid, and the State of Pennsylvania be, and hereby are required to complete their respective quotas of troops, and forward them to join the southern army without loss of time.

*Resolved*, That four hundred waggons be procured and furnished for the southern army.

*Resolved*, That the Board of War be, and hereby are directed to furnish the southern army with ten thousand

suits of cloathes, complete: eight hundred and sixty tents, five thousand musquets, with bayonets and cartouch boxes; eight thousand knapsacks, six thousand haversacks, eight thousand canteens, seven hundred camp kettles, eight thousand blankets, ten tons of musquet powder, five tons of cannon powder, and twenty tons of lead.

That the Board of War furnish the artillery and cavalry with the necessary ammunition and equipments not comprised in the foregoing resolutions: and that they employ a sufficient number of artificers to repair the arms in the magazines of Virginia and other places.

*Resolved*, That for purchasing the foregoing articles the Board of War be, and hereby are authorised and directed to contract for payment in specie, or other money equivalent, payable in six months with interest; [and that bills of exchange, on the minister of these United States at the Court of Versailles, be prepared immediately, and deposited with the Board of War, to be by them delivered to the persons so contracting, to the amount of such contract, at the expiration of the said term, unless they shall have monies at that time to fulfil the said contracts.]

*Resolved*, That it be, and hereby is recommended to the executives of the states of Delaware, Maryland, Virginia and North Carolina, to agree upon and settle an arrangement for supplying the southern army with provisions from the states most contiguous, and for replacing the same with provisions from those that are more remote; and to establish such mode of transportation as will be most convenient and least expensive to the whole.

*Resolved*, that the Convention Troops now cantoned in Virginia be removed to <sup>1</sup>

Postponed

<sup>1</sup> This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 21, folio 255. The part in brackets was added in Congress.



*Ordered*, That a committee of three be appointed to draught a letter to the Commander in Chief, informing him of the arrival of the enemy's reinforcement in North Carolina, and requesting him to confer with the naval and land commanders of his Most Christian Majesty's forces at Rhode Island, and if it shall appear that the loss sustained by the British navy in the late storm has rendered the French naval force superior, that he urge the necessity of sending the French forces to the southward.<sup>1</sup>

The members, Mr. [Alexander] McDougall, Mr. [James] Madison, [Mr. Thomas] Burke.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of William Ramsay, one of the clerks in the Chambers of Accounts, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for six thousand dollars of the old emissions, on account of his salary, and for which he is to be accountable.<sup>2</sup>

Congress took into consideration the report of the committee on a memorial of E. Forman; Whereupon,

The Committee to whom was referred the letter of Ezekiel Forman, of Dec. 18 1780, report—

That they have had the same under consideration, and that it appears to them that M<sup>r</sup> Forman did in the month of September 1779 lend to M<sup>r</sup> Wederstrandt assistant Commissary of Purchases for the State of Maryland a certain quantity of flour, upon a special promise that a like quantity should be returned him within a few months from that time.

That the said promise not having been complied with on the part of M<sup>r</sup> Wederstrandt, it became necessary to consider the loan as a purchase, and accordingly M<sup>r</sup> Forman sometime in October last received a partial payment at the Treasury,—

<sup>1</sup> This order was also entered in the manuscript Secret (Domestic) Journal.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 36, V, folio 103.

That upon an equitable settlement a balance of eleven hundred and thirty four specie dollars remains due to Mr Forman from the United States on account of the said flour; they therefore propose the following order to the Treasury Board.

*Ordered*, That the Board of Treasury pass to the credit of Ezekiel Forman eleven hundred and thirty-four specie dollars, balance due to him on account of a quantity of flour, delivered to Mr. Wederstrandt, assistant commissary of purchases in the State of Maryland for the use of the United States, the said sum to bear an interest of six per cent. until paid.<sup>1</sup>

Congress proceeded to the election of a superintendant of Finance, and, the ballots being taken,

Robert Morris, Esquire, was unanimously elected, having been previously nominated by Mr. [William] Floyd.

The committee appointed to draught a letter to the Commander in Chief reported the same, which was agreed to.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 21, 1781

A letter, of 4th, and

One, of 7, from the hon<sup>ble</sup> J. Laurens, was read.<sup>2</sup>

A letter, of 31 January, from Major General Greene, was read, enclosing a letter, of 25 January, from Lieutenant Colonel H. Lee:<sup>3</sup>

*Ordered*, That the letter from Colonel Lee be referred to the Committee of Intelligence.

Letter, of 19, from Baron d' Arendt, was read:<sup>4</sup>

<sup>1</sup> This report, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 19, II, folio 303.

<sup>2</sup> The letter of the 4th is in the *Papers of the Continental Congress*, No. 165, folio 41; that of the 7th is on folio 49. They are printed in the *Diplomatic Correspondence of the American Revolution*, (Wharton), IV, that of the 4th on page 249, and that of the 7th on page 252.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 155, I, folio 549.

<sup>4</sup> This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 359.

*Ordered*, That it be referred to a committee of three.

The members, Mr. [Alexander] McDougall, Mr. T[homas] Smith, Mr. [George] Walton.

A report from the Board of War, on the memorial of Captain Bentalon, was read;

AT A BOARD OF WAR *Feb<sup>y</sup> 19<sup>th</sup> 1781.*

Present Mr Peters

Gen<sup>l</sup> Cornell

The Board having considered the reference with which they were honored, on the memorial of Captain Bentalon beg leave to report.

That he was appointed Captain in Count Pulaski's legion and at the attack of Charlestown was wounded and obtained an unlimited furlough from Gen<sup>l</sup> Lincoln to go to Europe for his recovery, from which it appears that General Lincoln considered Captain Bentalon as an officer in the Army of the United States. So far as respects his demands for the loss of horses does not seem properly authenticated; as to the payment of his expences to and from Europe when on furlough, appears to the Board unprecedented and altogether inadmissible.

Should Congress be of the same opinion it may be proper to resolve,

That Captain Bentalon be considered as retiring under the resolution of the 3<sup>rd</sup> and 21<sup>st</sup> of October 1780, and entitled to the emoluments arising therefrom.

That the Board of War draw a Warrant in favor of Captain Bentalon on the Pay Master General for three months pay on account.<sup>1</sup>

*Ordered*, That it be referred to the foregoing committee.

A report from the Board of War, on the memorial of Major General A. St. Clair, was read; Whereupon,

AT A BOARD OF WAR *Feby 20<sup>th</sup> 1781*

Present Mr Peters Gen<sup>l</sup> Ward Gen<sup>l</sup> Cornell

The Board having taken into consideration the memorial of Major General S<sup>t</sup> Clair referred to them from Congress,

Beg leave to report,

That the General is under the necessity of visiting the several Cantonments of the Pensylvania line, but cannot proceed upon that duty until he is furnished with a supply of money, for his travelling expences.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 193.

The Board are sensible of the necessity of supplying him with money and at the same time foresee the dangerous precedent which will be established by making the advance, as every other officer of that line, will claim with equal justice the like advantages.

Should Congress however be of opinion, that the General's presence is absolutely necessary at the aforementioned Cantonments, in that case, it may be proper to resolve,

*Ordered*, That the Board of War draw a warrant on the paymaster general, in favour of Major General St. Clair, for three months' pay, equal to four hundred and eighty dollars of the new emissions, for which sum he is to be accountable.<sup>1</sup>

Another report from the Board of War, on the memorial of Captain O'Neil, was read; Whereupon,

AT A BOARD OF WAR *Feb<sup>r</sup> 19<sup>th</sup> 1781*

Present Mr Peters

Gen<sup>l</sup> Cornell

The Board having taken into consideration the reference they have been honored with on Captain O'Neils memorial beg leave to report.

That it does not appear by any resolution of Congress that Captain O'Neil ever had any other Continental appointment than that of Captain in Count Pulaski's legion. That on the 29<sup>th</sup> of December 1779 Congress, by a resolve authorized General Lincoln to reduce the legion, which he undertook and compleated in December 1779 (to which time Captain O'Neil was paid) by ordering the Cavalry to join the late Col Bland's reg<sup>t</sup> and the Infantry the 1<sup>st</sup> South Carolina reg<sup>t</sup>. Congress on the 23<sup>rd</sup> day of Feb<sup>r</sup> 1780, Resolved that Col Armand should take the Command of the legion; neither of the resolutions make any provision for the Officers. But from many circumstances it appears that Captain O'Neil considered himself a supernumerary, among which his accepting the appointment of Colonel from Gov<sup>r</sup> Nash of the State of North Carolina is not the least, and it appears by information the Board have received that ten days before the attack on Savannah Captain O'Neil left the legion, having no Command therein, and went to Augusta, never having acted since in the legion or any other Continental Corps.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 185.

Should Congress be of that opinion it may be proper to Resolve

That Captain O'Neil be considered as retiring from service under the Resolution of Congress of the 24<sup>th</sup> day of Nov<sup>r</sup> 1778 and be entitled to one years extra pay.

That the Treasury Board be directed to report a Warrant in favor of Captain O'Neil for ninety seven dollars and one third in bills of the new emmissions, in full of all demands on the United States.

The reason of the Boards fixing on the above sum is that it is the value according to the scale of depreciation, of the sum received by Officers of the like rank at the time of their retiring as Supernumeraries.<sup>1</sup>

*Resolved*, That Captain O'Neil be considered as retiring from service under the resolution of Congress of the 24 day of November, 1778, and be entitled to one year's pay in bills emitted pursuant to the resolution of 18 March, 1780.

A report of the Board of War, on the memorial of Colonel Elbert, was read; Whereupon,

AT A BOARD OF WAR *Feb<sup>y</sup> 20<sup>th</sup> 1781*

Present M<sup>r</sup> Peters

Gen<sup>l</sup> Cornell

The Board having considered the reference, with which they have been honored, on the memorial of Col Elbert,

Beg leave to observe, that the Colonel is now confined by a disagreeable disorder, and destitute of cash, and that he hath lent a considerable sum to the Continent, which he is willing should still remain, provided he can receive his pay.

In consideration of the foregoing facts, it may be proper for Congress to resolve,

*Ordered*, That the Board of War draw a warrant on the paymaster general, in favour of Colonel S. Elbert, for three months' pay and subsistence equal to three hundred dollars in the bills of the new emmissions on account.<sup>2</sup>

A report from the Board of War, on the memorial of Preserved Clap, was read; Whereupon,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 181.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 125.

AT A BOARD OF WAR *February 20<sup>th</sup> 1781*

Present Mr Peters

Gen<sup>l</sup> Cornell

The Board having considered the reference with which they were honored on the memorial of Preserved Clap, beg leave to observe,

That it appears from his memorial and General Knox's letter that he hath been with the Army as a volunteer for eighteen months without pay or any emolument. That it farther appears by General Lincolns and Knox's letters that Mr Clap was sole inventor of stocking the Cannon that were supposed to be rendered useless by the enemy at Boston, and in the vicinity, in the spring of 1776; from which the Continent at large received a real benefit; for which he received no emolument but barely day wages. From the foregoing state of facts it may be proper for Congress to resolve,

*Resolved*, That the supreme executive of the State of Massachusetts examine into the merit and services of Preserved Clap, and order payment on the account of the United States, for such sum as they think he may justly deserve; provided it shall not exceed one thousand dollars in bills of the new emissions:

That Preserved Clap be informed, that Congress cannot employ him in public service, consistent with their arrangements.<sup>1</sup>

A letter, of this day, from E. Forman, was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of Treasury.

Congress was resolved into a Committee of the Whole, to consider farther the reports on finance and other papers referred to them, and after some time the President resumed the chair and Mr. [John] Mathews reported that the Committee have considered farther the papers referred to them, but not having come to a conclusion desire leave to sit again:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 173.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 435.

*Ordered*, That to Morrow Congress be resolved into a Committee of the Whole, to consider farther the reports on Finance.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 22, 1781

Mr. [John] Hanson, a delegate for Maryland, attended and took his seat in Congress.

A letter, of May 30, 1780, from Mr. de Sartine, was read:

*Ordered*, That it be referred to a committee of three.

The members, Mr. [William] Sharpe, Mr. [Alexander] McDougall, Mr. [John] Sullivan.

A letter, of this day, from Colonel B. Harrison, was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three.

The members, Mr. [Thomas] Burke, Mr. [James Mitchell] Varnum, Mr. [Joseph] Jones.

A letter, of this day, from the Board of War, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three.

The members, Mr. [George] Clymer, Mr. [Samuel] Adams, Mr. [George] Walton.

A memorial from Mr. Fouquet was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of War.

A letter, from Captain de Sigoigne and Lieutenant de Fontivieux, was read:

*Ordered*, That it be referred to the Board of War.

A letter from D. Witherspoon was read.<sup>4</sup>

A motion was made by Mr. [Thomas] Bee, seconded by Mr. [James Mitchell] Varnum:

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XII, folio 125.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 147, VI, folio 177.

<sup>3</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, III, folio 226.

<sup>4</sup> The letter from de Sigougné and De fontevieux is in the *Papers of the Continental Congress*, No. 78, XXI, folio 25; Witherspoon's is in No. 78, XXIV, folio 179.

*Ordered*, That it be referred to a committee of three.

The members, Mr. [James Mitchell] Varnum, Mr. [Thomas] Bee, Mr. [Samuel John] Atlee.

The delegates of Maryland having taken their seats in Congress with powers to sign the Articles of Confederation:

*Ordered*, That Thursday next be assigned for completing the Confederation; and that a committee of three be appointed, to consider and report a mode for announcing the same to the public: the members, [Mr. George] Walton, Mr. [James] Madison, Mr. [John] Mathews.<sup>1</sup>

Congress took into consideration the report of the committee on the memorial of R. Peters and T. Pickering and W. Grayson; and, thereupon,

The Committee to whom were referred the memorials of Richard Peters in behalf of himself and Timothy Pickering and ——— Grayson complaining of the reduction of their salaries as Commissioners of the Board of War, submit the following Report:

That in the opinion of your Committee the original salary allowed to the Commissioners of the Board of War, considering the high confidential authority and important duties of that office, is not unreasonable; they therefore offer the following resolution:

*Resolved*, That the salaries of the respective commissioners of the Board of War, be established agreeably to the resolution of the 17th of October, 1777, the act of the 13 of September last notwithstanding; and that their several accounts for services since the first mentioned date, be adjusted accordingly.<sup>2</sup>

A letter, of 19, from the Board of War, was read, enclosing a letter, of 22 January, from Colonel D. Broadhead:<sup>3</sup>

*Ordered*, That the same be referred to a committee of three.

<sup>1</sup> This motion was also entered in the *Papers of the Continental Congress*, No. 9. (History of the Confederation.)

<sup>2</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, V, folio 135.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 315.



The members, Mr. [James Mitchell] Varnum, Mr. [Joseph] Jones, Mr. T[homas] Smith.

A letter, from Doctor B. Binney, was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three.

The members, Mr. [William] Burnett, Mr. M[eriwether] Smith, and Mr. [James Mitchell] Varnum.

A petition of Lieutenant Joseph Louis de Beaulieu was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, FEBRUARY 23, 1781

A letter, of 16 March, 1780, from the hon<sup>ble</sup> B. Franklin, inclosing a memorial of Captain Thomas Hutchins, was read:<sup>3</sup>

*Ordered*, That it be referred to a committee of three.

The members, Mr. [Alexander] McDougall, Mr. [Artemas] Ward, Mr. [Theodorick] Bland.

A petition from sundry naval officers at New York;<sup>4</sup> and

A petition of Fred: Sellick, were read:

*Ordered*, That they be referred to the Board of Admiralty.

A petition of Nathan Jones, one of the clerks in the Board of War, was read:<sup>5</sup>

*Ordered*, That it be referred to the Board of Treasury, and that the Board report the sums due to the officers of civil list.

A letter, of this day, from Lieutenant Beaulieu, was read:<sup>6</sup>

*Ordered*, That it be referred to the Board of War.

A report from the Board of Treasury was read; Whereupon,

<sup>1</sup> This letter, dated February 20, 1781, is in the *Papers of the Continental Congress*, No. 78, IV, folio 89.

<sup>2</sup> This petition, dated January 17, 1781, is in the *Papers of the Continental Congress*, No. 42, I, folio 238.

<sup>3</sup> The Hutchins memorial is in the *Papers of the Continental Congress*, No. 41, IV, folio 103.

<sup>4</sup> This petition, dated New York, Jersey Prison Ship, February 14, 1781, is in the *Papers of the Continental Congress*, No. 42, VI, folio 250.

<sup>5</sup> This petition is in the *Papers of the Continental Congress*, No. 42, IV, folio 54.

<sup>6</sup> This letter is in the *Papers of the Continental Congress*. No. 78, IV, folio 113.

*Ordered*, That on the application of Mr. [John] Mathews, one of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for twenty thousand dollars of the old emissions, for which sum the said State of South Carolina is to be accountable;<sup>1</sup>

TREASURY OFFICE 22<sup>d</sup> Feb<sup>r</sup>. 1781

Upon the letter from Ezekiel Forman of the 21<sup>st</sup> instant referred to the Board for information,

The following facts are submitted.

The aforesaid Ezekiel Forman came into Office by an appointment made in Congress the 9<sup>th</sup> day of November 1779, that five quarters salary became due the 9<sup>th</sup> of the present month amounting to 2312 $\frac{1}{2}$  *Specie Dollars*, that he has received 1<sup>st</sup> on the 24<sup>th</sup> June last 30,000 dollars, on the 18<sup>th</sup> November following, 30,000 dollars, on the 13<sup>th</sup> January following 10,000 dollars.

The Board on the reference of the letter from W<sup>m</sup> Parker one of the commissioners of the Continental Loan Office for the State of South Carolina dated the 14<sup>th</sup> instant beg leave to report,

That the request of Mr Parker for the value of the horse he has purchased is improper to be complied with in the manner proposed by him, but as it appears the sum he mentions is necessary for him to proceed in the execution of his public charge, we beg leave to submit the following resolution

That a warrant issue on Thomas Smith, commissioner aforesaid, in favour of William Parker, one of the commissioners of the loan office for the State of South Carolina, for ten thousand dollars of the old emissions, to enable him to execute his trust as commissioner aforesaid, and for which he is to be accountable;

That on the application of Richard Philips, steward to the President of Congress, a warrant issue in his favour on Thomas Smith, commissioner aforesaid, for eight thousand dollars of the old emissions on account of his salary and for which he is to be accountable;<sup>2</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 133.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 131.

That bills of exchange, of the following denominations, be forthwith struck, under the direction of the Board of Treasury, for the payment of interest to such holders of loan office certificates as may be entitled to receive it in such bills, viz.

1000 sets of 12 dollars, at five livres tournois per dollar;  
1500 sets of 18 dollars, at do.; 1000 sets of 24 dollars, at do.;  
3000 sets of 30 dollars, at do.; 3000 sets of 36 dollars, at do.;  
500 sets of 60 dollars, at do.; 100 sets of 300 dollars, at do.

That the said bills be drawn conformable to the resolutions of Congress of the 19<sup>th</sup> of May and 11 July, 1778.<sup>1</sup>

The committee, to whom was referred the letter of 19 from Lieutenant Colonel Uriah Forrest, delivered in a report, which was read; Whereupon,

Your Committee having considered the letter from Lieu<sup>t</sup> Col. Forrest of the 17<sup>th</sup> of February, and finding by a resolution of the 26<sup>th</sup> of August, that every officer who loses a limb in any engagement, or is otherwise disabled from getting a livelihood, is entitled to one half of his monthly pay (after his pay as an officer ceases) during life and being of opinion, that the merits and Sufferings of Lieu<sup>t</sup> Col. Forrest, justly entitle him to all the emoluments of the resolutions of the 10<sup>th</sup> of April, and 21<sup>st</sup> October last, submit the following resolutions,

*Resolved*, That the resignation of Lieutenant Colonel Forrest, of the Maryland line, be accepted, and that he be entitled to all the emoluments of the resolutions of 10th of April and the 21 of October last, except half pay:

That the State of Maryland be, and hereby is, requested to advance to Lieutenant Colonel Forrest, on account of the United States, a sum equal to seven years half pay of a lieutenant colonel, in lieu of the half pay he would otherwise be entitled to during his natural life.<sup>2</sup>

The committee to whom was referred the motion of Mr. [Thomas] Bee delivered in a report.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 115.

<sup>2</sup> This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 19, II, folio 309.

Congress took into consideration the report of the committee on the proceedings of the convention at Hartford on which sundry amendments were moved. After debate,

*Ordered*, That the report, with the amendments and motions made relative to the subject matter thereof, be re-committed.

A letter, of 6, from the governor of Rhode Island and Providence Plantations, was read.<sup>1</sup>

The committee appointed to report the mode for announcing the final ratification of the Articles of Confederation delivered in a report.

Adjourned to 10 o'Clock to Morrow.

**SATURDAY, FEBRUARY 24, 1781**

A memorial of John Patton and others, iron masters was read:<sup>2</sup>

*Ordered*, That it, together with the reports of the Board of Treasury relative to the same, be referred to a committee of three.

The members, Mr. [Alexander] McDougall, Mr. [Samuel John] Atlee, Mr. [John] Sullivan.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for five thousand dollars of the new emissions in favour of John Pierce, paymaster general, to enable him to discharge sundry warrants from the Board of War which are or may be drawn on him by the particular direction of Congress, and for which sum of five thousand dollars of the new emissions the said John Pierce, paymaster general, is to be accountable.<sup>3</sup>

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 64, folio 490.

<sup>2</sup> This memorial is in the *Papers of the Continental Congress*, No. 43, folio 219.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 135.

On motion of the Medical Committee:

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Doctor Thomas Bond, purveyor of the hospital, for forty thousand dollars of the old emissions, to be applied towards paying the officers of the medical department in part of their salaries due since their appointment under the present arrangement, for which sum the said purveyor to be accountable.

On motion of the committee on the Post Office:

*Resolved*, That the postage of letters in future be double the sums paid before the commencement of the present war.

That a warrant issue on Thomas Smith, commissioner of the continental loan office in the State of Pennsylvania, in favour of Richard Bache, postmaster general, for thirty thousand dollars of the old emissions, in order to enable the postmaster to prosecute the business of the office, for which the postmaster general is to be accountable.

Congress took into consideration the report of the committee appointed to report the mode of announcing the final ratification of the Articles of Confederation; Whereupon,

That [on Thursday next at 12 o'Clock the final ratification of] the Confederation of the United States of America be completed, ~~by the execution thereof on the part of Maryland, at twelve o'Clock on Thursday next, and that this important event be immediately~~ announced to the publick, ~~by the firing of thirteen cannon, and by the ringing of the bells in this city,~~ (and that the Board of War and Board of Admiralty take order accordingly.)

That this ~~same~~ (Important Event) be also communicated to the Executives of the several States, ~~and to the Commander in Chief they be requested to proclaim it in their respective states.~~

That the several Ministers of these states in Europe be ~~forthwith~~ informed of the complete and final ratification of the said Confederation; and they be ~~instructed~~ (ordered) to ~~communicate~~ (notify) the same to the respective courts at which they reside.

~~That copies of the foregoing resolutions, with authentick information of the completion of the said Confederation, be transmitted to the Commander in Chief; and that he be directed to publish (announce) the same to the Army under his immediate command, and to the fleet and army of our most illustrious ally, in America.~~

~~That the like information be transmitted to the commanding officer in the southern department, and that he be directed to announce the same to the Army under his command.~~

~~That the Minister of France be also informed, that it is intended to complete and ratify the said Confederation on Thursday next; and that he be requested to make the earliest communication of the same to his Court.<sup>1</sup>~~

*Resolved*, That on Thursday next, at twelve o'clock, the final ratification of the Confederation of the United States

<sup>1</sup> This report, in the writing of George Walton, except the portions in brackets, which are in Charles Thomson's hand, and those in parentheses, which are in Samuel Huntington's hand, is in the *Papers of the Continental Congress*, No. 23, folio 29. It is also entered in No. 9, (History of the Confederation.) A part of the report, but separately presented, is the following:

#### NOT OF RECORD

That the Congress adjourn after completing the Confederation; and the President shall invite the Minister of France, the Speaker and members of the General Assembly, the Vice-President and members of the Supreme Executive Council, and the officers of the Army and Navy, to drink a glass of wine [to] "The United States of America." A keg of biscuit, in the room of cake.\* To be in the Hall where Congress sit.

\* Does it mean the Cake room.

The last six words are in James Madison's hand.

Another resolution, undated, in the writing of John Mathews, is in No. 36, IV, folio 423, as follows:

*Resolved* that ——— next be appointed for the Delegates of Maryland to sign the Confederation.

That the President of the State of Pennsylvania the Minister of France, The Vice-President Council and assembly of Pennsylvania, the officers of the French and American Armies in this City, and all other public officers, be particularly invited to attend the ceremony and that the doors of the Congress chamber be opened at twelve o'clock.

That the Board of War be directed to give proper orders, for announcing the final ratification of the ~~American~~ Confederacy of the United States by the discharge of thirteen cannon.

That one of the Chaplains of Congress ~~be directed to~~ prepare a suitable sermon for the occasion.

of America, be announced to the public; and that the Board of War and Board of Admiralty take order accordingly:

That this important event be communicated to the executives of the several states:

That the several ministers of these states in Europe be informed of the complete and final ratification of the said Confederation; and that they be ordered to notify the same to the respective courts at which they reside:

That it be also notified to the honorable the Minister Plenipotentiary of France:

That information of the completion of the said Confederation be transmitted to the Commander in Chief, and that he be directed to announce the same to the army under his command.

Congress resumed the consideration of the report of the committee appointed to confer with Colonel B. Harrison, and thereupon,

*Resolved*, That the Convention prisoners, now in Virginia, be removed into some State more northerly, and that the Board of War have them immediately put in motion for that purpose, and continue their march by the way [of] Knowland's ferry, until the farther order of Congress.

Adjourned to 10 o'Clock on Monday.

MONDAY, FEBRUARY 26, 1781

Mr. [Thomas] McKean, a delegate for the State of Delaware, attended and produced the credentials of the delegates of that State, which were read, as follows:

IN THE GENERAL ASSEMBLY OF THE DELAWARE STATE,  
*at Newcastle, Saturday, A. M. February 10, 1781.*

The Council and House of Assembly, having met in the State-House, agreeable to the order of the Day, proceeded, by joint Ballot, to the election of Delegates to represent this State in the Congress

of the United States of America, for the ensuing year, and the Box containing the Ballots being examined, The Honorable Thomas Rodney, Thomas McKean and Nicholas Vandyke, Esquires, are declared duly elected.

Extract from the Minutes,

JAS. BOOTH,  
*Clk of Assembly*<sup>1</sup>

A letter, of 17, from General Washington, was read, enclosing an estimate from Brigadier General Knox:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

A letter, of 17, from the governor of Virginia was read, with sundry papers enclosed:<sup>3</sup>

*Ordered*, That the same be referred to a committee of three.

The members, Mr. [William] Sharpe, Mr. M[eriwether] Smith and Mr. [Joseph] Jones.

A letter, of 10, from Major General Greene, was read.<sup>4</sup>

A letter, of 21, from J. Lawrence, judge advocate ~~general~~, was read:

*Ordered*, That it be referred to the Board of War.

A letter, of 10, from the president of the State of New Hampshire, was read.<sup>5</sup>

A letter, of 21 December, 1780, from Faucher & Skerrett, of Cape François, was read:

*Ordered*, That it be referred to the Committee of Commerce.

A petition of Mathew McConnell; and

A letter, of 24 February, from E. Forman, were read:<sup>6</sup>

<sup>1</sup> The original is in the *Papers of the Continental Congress*, Delaware, *Credentials of Delegates*.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, IX, folio 567; it is printed in *The Writings of Washington* (Ford), IX, 145.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 71, II, folio 35.

<sup>4</sup> This letter is in the *Papers of the Continental Congress*, No. 155, I, folio 561.

<sup>5</sup> This letter is in the *Papers of the Continental Congress*, No. 64, folio 180.

<sup>6</sup> McConnell's petition, dated February 26, 1781, is in the *Papers of the Continental Congress*, No. 42, V, folio 243; Forman's letter is in No. 78, IX, folio 439.



*Ordered*, That they be referred to the committee on the letter from J. Patton and others.

A report from the Board of War was read; Whereupon,

WAR OFFICE *Feb<sup>r</sup>* 1781

SIR,

At the instance of the Commander in Chief, the Board have taken measures for supplying Lieutenant Colonel Stevens with a number of cannon and stores for an enterprize to be immediately undertaken, the execution whereof depends in a great degree on the secrecy and promptitude of the preparations. We have been able to procure the greater part of the articles and with the sum of forty four thousand two hundred and fifty dollars of the old emissions, for the department of Commissary General of Military Stores, and two hundred and fifty dollars of the new emissions for Lieutenant Colonel Stevens, the whole will be in a situation to move by the time expected. We therefore beg the favor of Congress to resolve,

*Ordered*, That warrants be drawn on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of the paymaster of the Board of War and Ordnance, for forty-four thousand two hundred and fifty dollars of the old emissions, to be applied under the order of the said Board, for the purchase of military stores immediately wanted for a special occasion, and also for two hundred and forty dollars of the new emission, to be delivered by the said Board to Lieutenant Colonel Stevens, for which he is to be accountable.<sup>1</sup>

A report from the Board of War, of this day, was read, respecting the removal of the Convention prisoners:

WAR OFFICE, *Feb<sup>r</sup>* 26, 1781.

SIR,

The Board have been honored with an order from Congress to remove the Convention Prisoners in Virginia into some State more northerly. We should as we are on all occasions be happy in executing the orders of Congress, but in this as well as too many other matters we find ourselves embarrassed for want of means. This

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 201.

being the case we are with submission to the better judgment of Congress of opinion that the business had better be recommended to the executives of Virginia and Maryland to take order for the removal and temporary supply of these Prisoners. The care of the Convention Prisoners has always been ultimately vested in the executive of Virginia, but when they are out of that State it will be necessary that the Government of Maryland be requested to take the superintendancy of their supplies and safe keeping so far as to furnish the means to Colonel Wood who has the command of all matters relative to the Convention Troops in the Military line. Under present circumstances if they are crowded together without Magazines the whole must suffer for Want of Provisions or disperse thro' the Country. Our accounts from those of the Convention Troops now in Maryland are very disagreeable. They are so precariously supplied that the soldiers are sent thro' the Country to collect provisions and being unguarded great numbers daily desert. These evils will be increased by a junction of the whole and therefore we submit to Congress the propriety of fixing on some stationary place for these prisoners where they can be supplied and proper Magazines and guards provided that this business may at once be put in a proper train and the embarrassments of temporary measures be thereby prevented.<sup>1</sup>

*Ordered*, That the same, together with the postscript of Governor Jefferson's letter, of 17th, relative to the prisoners taken at the Cowpens, be referred to a committee of three.

The members, Mr. [Joseph] Jones, Mr. [Daniel] Carroll, Mr. [Henry] Wynkoop.

The committee to whom was referred the report of the Board of War, of 22, delivered in a report; Whereupon,

*Resolved*, That the committee appointed to confer with the directors of the bank be and they are hereby empowered to agree with the said directors upon the terms which the bills of exchange in their hands shall be taken or sold for the purpose of making good the engagements of the bank.<sup>2</sup>

That three members be added to the said committee.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 205.

<sup>2</sup> This report, in the writing of George Walton, is in the *Papers of the Continental Congress*, No. 27, folio 121.

The members added, Mr. [John] Hanson, Mr. M[eriwether] Smith, Mr. [Thomas] Burke.

Congress took into consideration a report from the Board of War, on the memorial of Colonel R. Gridley; and thereupon,

*Resolved*, That it be recommended to the State of Massachusetts to make up to Richard Gridley the depreciation of his pay as engineer at sixty dollars per month, from the time of his appointment to the 1st day of January, 1781, in like manner with other officers in continental service, and charge the same to the United States:

That from and after the said first day of January, 1781, Colonel Gridley be considered as a retiring officer, and be entitled to receive from the United States four hundred and forty-four dollars and two-fifths of a dollar per annum, in bills of the new emissions, in virtue of the resolutions of Congress of the 17 November, 1775, on the subject of his indemnification for any losses he might sustain by entering into the service of the United States.<sup>1</sup>

The Board of War, to whom was referred the several applications for the place of keeper of the state prison, delivered in a report; Whereupon,

AT A BOARD OF WAR *Feb<sup>y</sup> 21<sup>st</sup> 1781*

Present M<sup>r</sup> Peters

Gen<sup>l</sup> Cornell

Mr. Mathews

The Board having considered the several applications for the place of Keeper of the State prison in Philadelphia, and it appearing to them, that Elijah Weed is recommended as a capable and active person, and is the first applier for that employment,

Agreed to report to Congress,

*Resolved*, That Elijah Weed be and he is hereby appointed keeper of the state prison in Philadelphia, in the room of Robert Jewell, deceased.<sup>2</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 189.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 197.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *Feb<sup>y</sup> 23<sup>d</sup> 1781*

Present M<sup>r</sup> Peters

Gen<sup>l</sup> Cornell

The Board taking into consideration the reference they have been honored with on the Memorial of Lieutenant Beaulieu beg leave to report,

That Lieutenant Beaulieu has no more pay in arrear than every other Officer that is a prisoner of War on parole but as he is a stranger it is probable he may be more distressed for want of money than Officers who are with their friends. If Congress should be of opinion that the foregoing reason is sufficient to entitle him to receive present pay, it may be proper to resolve,

*Ordered*, That the Board of War draw a Warrant on the paymaster general in favor of Lieutenant Beaulieu late of Colonel Armand's Corps for three months pay and subsistence on account, equal to one hundred and fifteen dollars in bills of the new emissions.

That part of his Memorial that respects cloathing appears to the Board improper to be complied with at this time—as they have no knowledge of any cloathing being delivered to Officers in the field or elsewhere on public account for the year past.<sup>1</sup>

AT A BOARD OF WAR *Feb<sup>y</sup> 23<sup>d</sup> 1781*

Present M<sup>r</sup> Peters

Gen<sup>l</sup> Cornell

The Board have considered the memorial of Captain Sigognie and Lieutenant Fontevieux of Col. Armands Legion whose situation is such that it is impossible for them to join their Corps without some money being given them by the public; and as they are foreigners they have not the means of procuring assistance from private persons. The Baron Deutrick also a Captain in the legion is in similar circumstances and no doubt will expect similar treatment with the memorialists. If Congress think their situation so peculiar as to distinguish it from that of the Officers of the Army in general, all of whom are in want, and many have in vain made repeated applications for pay, it will be proper in the opinion of the Board of War, that Congress direct,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 209.

That the Board of War draw warrants on the paymaster general, in favour of Captains Segognie and Deutrick and Lieutenant Fontevieux, of the legion commanded by Colonel Armand for three months' pay in bills of the new emissions to enable them to join their corps now in Virginia, the resolution of the 4 January last notwithstanding.<sup>1</sup>

Congress took into consideration the report of the committee on Mr. [Thomas] Bee's motion; after debate:

*Ordered*, That it be re-committed.

A memorial from the hon<sup>ble</sup> the Minister of France was read.

Adjourned to 10 o'Clock to Morrow.

**TUESDAY, FEBRUARY 27, 1781**

Mr. [Thomas] Rodney, a delegate for the State of Delaware, attended and took his seat in Congress.

A letter, of 10, from James Craig, chief hospital physician, was read:

*Ordered*, That it be referred to the Medical Committee.

A letter, of 26, from Jon: Bryan, was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of Treasury.

The Medical Committee laid before Congress an account of Doctor Francis Allison, and vouchers for pay and subsistence amounting to 11419 $\frac{1}{2}$  dollars, including 1676 $\frac{1}{2}$  dollars charged for expences, with the following report:

That the said account be referred to the Board of Treasury to report a draught for payment of the same, except the 1676 $\frac{1}{2}$  dollars charged for expences, which the committee are not satisfied ought to be paid; and also to report a draught for the amount of cloathing stated in the report to be due to him, at the reduced prices for the years 1779 and 1780.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 213.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 117.

*Resolved*, That Congress agree to this report.

A letter, of 22, from C. Griffin, one of the judges of the Court of Appeals, was read;<sup>1</sup> Whereupon,

*Ordered*, That to Morrow be assigned for electing a third judge of the Court of Appeals.

The committee, to whom was referred the letter of 30 May, 1780, from Mons. de Sartine, delivered in a report; Whereupon,

*Resolved*, That Congress entertain a high sense of the distinguished bravery and military conduct of John Paul Jones, esq. captain in the navy of the United States, and particularly in his victory over the British frigate ship of war *Serapis*, on the coast of England, which was attended with circumstances so brilliant as to ~~inspire~~ excite general applause and admiration:

That the minister plenipotentiary of these United States at the Court of Versailles communicate to his Most Christian Majesty the high satisfaction Congress have received from the information of Mons. de Sartine, that the conduct and gallant behaviour of Captain J. P. Jones have merited the attention and approbation of his Most Christian Majesty; ~~and that every instance of his majesty's favour not inconsistent with those articles by which these States have confederated and which may tend to unite more closely the people of two nations already united by such strict bonds of common interest will be highly acceptable to Congress and particularly~~ that his Majesty's offer of adorning Captain Jones with the cross of military merit, (is highly acceptable to Congress.)<sup>2</sup>

A report from the Board of Treasury was read; Whereupon,

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 293.

<sup>2</sup> This report, in the writing of William Sharpe, except the part in parenthesis which is in Samuel Huntington's hand, is in the *Papers of the Continental Congress*, No. 19, III, folio 297.

*Ordered*, That on the application of Mr. [William] Few, a delegate for the State of Georgia, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for fifteen thousand dollars old emissions, for which the said State of Georgia is to be accountable;<sup>1</sup>

That a warrant issue on Thomas Smith, commissioner aforesaid, in favour of John Pierce, paymaster general, for one thousand and eighty-six dollars and  $\frac{2}{3}$  of a dollar in the bills of credit emitted pursuant to the act of the 18 of March last, to enable him to discharge the balance of the account of the Baron d'Arendt for his pay and subsistence as colonel of the late German battalion in the service of the United States from the 19 of September, 1778, to the 19 September, 1779, commencing from his last payment and departure from America to the expiration of his furlough, and for which sum of 1086 $\frac{2}{3}$  dollars aforesaid the said John Pierce, paymaster general, is to be accountable;

TREASURY OFFICE, *February 20th, 1781.*

In Execution of the order of Congress of the 14th instant upon Mr. Ross's Memorial "to devise ways and means for payment of his account" the Board beg leave to report,

That they have carefully looked into the State of the public Funds with a view to point out a mode for paying Mr. Ross's account, the most convenient to the Publick and acceptable to him whom they have consulted; but they have not been able to devise any that is unattended with Embarrassment.

Considering the great number of bills of Exchange which have been drawn on the Minister of the United States in France, it was thought most eligible to propose payment in the public Tobacco in Virginia and Maryland, but Mr. Ross declined it alledging that it was totally inconvenient.

The Board would have offered payment in the Bills of the New Emission had they not been advised that Congress intended the first Proceeds of that Fund for the use of the army. No other mode of

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 137.

Payment therefore can be devised by the Board but drawing Bills of Exchange upon                      and Mr. Ross having informed the Board that his Necessities require that he should have Bills at Short Sight for one half his Demand and is willing to take Bills at a longer Sight for the Remainder.

The Board are therefore of Opinion,

That Bills of Exchange be drawn on                      for the sum of sterling—half thereof at                      Days Sight and the Residue at Months Sight in full discharge of his Account for Supplies furnished the United States from France and the Interest thereon arising (including two Months allowed for Presentation for Acceptance.)

The Board of Treasury on considering the Letter from the Board of War of the 15 instant to Congress and referred to this Board with Directions to “devise Ways and Means for furnishing the Money mentioned in the Estimate and report” beg leave to propose it (as their Opinion) in the present exhausted State of the Treasury,

That the Commercial Committee be directed to make Sale of as much of the Public Tobacco collected by the States of Virginia and Maryland as will be sufficient to raise the Sum of 116,010 dollars of the New Emissions, to be paid into the Hands of the Quarter Master General and Commissary General of Military Stores for the Purpose of purchasing the Articles mentioned in the said Estimate.

At the same Time the Board inform Congress that by Returns from John Hopkins, Commissioner of the Continental Loan Office in Virginia, dated the 31st of December last, it appears that the sum of 423,412 dollars and  $\frac{2}{3}$  of a dollar of the Bills of the old Emission and 5400 dollars of the New were in his Office.

And by Returns from Nicholas Gilman, Commissioner of the Loan Office for the State of New Hampshire, dated the 2d day of December last, it appears the Sum of 50,907 dollars and  $\frac{2}{3}$  of a dollar of the old Emissions were in his Office.

The Board having considered the Letter from the Board of War of the 19 instant inclosing an Estimate of the Sum Necessary for the Repair of the Arms and Cartouch Boxes of the Pennsylvania Line beg leave to report

That a warrant issue on Thomas Smith, commissioner aforesaid, in favour of Colonel Benjamin Flower, commissary general of military stores, for two thousand two hundred and



ninety-two dollars of the new emissions, to enable him to make the necessary repairs to the arms lately belonging to the Pennsylvania line, and for which sum the said Benjamin Flower, commissary, is to be accountable.<sup>1</sup>

According to the order of the day, Congress proceeded to the election of a Secretary of Marine, and, the ballots being taken, Major General Alexander McDougall was elected.

*Ordered*, That the election of the other secretaries be postponed.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 28, 1781

A letter, of this day, from Doctor William Burnet, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three.

The members, Mr. [Alexander] McDougall, Mr. [Abraham] Clark, Mr. [Theodorick] Bland.

A memorial of Joseph Perkins was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of War.

The committee, || consisting of Mr. Varnum, Mr. Bee and Mr. Atlee || to whom was re-committed the report on the motion of Mr. [Thomas] Bee, delivered in a report; Whereupon,

*Ordered*, That warrants issue in favor of John Pierce, paymaster general, upon the loan offices of the undermentioned states in the following proportions, in bills of the new emissions, arising from the four-tenths of the ten millions issued in pursuance of the act of the 18 March last, and that the same be applied to the paying the lines of the said states, viz.

On the commissioner of the continental loan office of

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 119.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 121.

<sup>3</sup> This memorial, dated February 27, 1781, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 142.

New Hampshire,	-	\$ 51,726	New York,	-	\$ 77,589
Massachusetts,	-	284,493	New Jersey,	-	51,726
Rhode Island, &c	-	25,863	Pensylvania,	-	232,767
Connecticut,	-	155,178			

Of which, 15,100 to be paid immediately, in preference to any former warrants, for which several sums the said J. Pierce, paymaster general, is to be accountable.

WAR OFFICE *Feb<sup>y</sup> 28<sup>th</sup> 1781*

SIR.

The Board have been applied to by the Marquis de la Fayette for one month's pay of a detachment he commands on their march on a secret Expedition. The reasons he urges for the advance to be made appear to the Board very strong, among them are, the Officers and Men being detached from any possible resource of a private nature from whence they can draw supplies, their going to a part of the Country in which they are in some degree Strangers—their coming from the Army on such short notice and without information of their destination and under all these circumstances, not having a dollar to purchase the most trifling article. The Board in consequence of the pressing wants of these troops and to encourage them in the cheerful and vigorous execution of the enterprize cannot but join with the Marquis in Opinion that the Money requested should be advanced. It will amount to about fifteen thousand sixty nine dollars in bills of the new emissions, and if Congress should think proper to order the Money to be paid they will please to resolve,

That a warrant be drawn on Thomas Smith Esq. Loan Officer of Pennsylvania for fifteen thousand one hundred dollars in bills of the new emissions in favor of John Pierce Esq Paymaster General, for which he is to be accountable.

That this Warrant be paid in preference to any former Warrants.

That the Board of War draw warrants on the paymaster general for one month's pay of the detachment under the command of Major General the Marquis de la Fayette, the resolution of the 4 January notwithstanding.<sup>1</sup>

The committee to whom was referred the representation of the iron masters brought in a report; Whereupon,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 217.

*Resolved*, That the Board of Treasury furnish the different iron masters with whom the Board of War have contracted pursuant to the resolution of the 25 July last, with bills of exchange upon the minister plenipotentiary at the Court of Versailles, to the full amount of the debts now due ~~and payable~~ to them agreeably to contract at the rate which such bills shall sell for in specie, and make report to Congress, specifying the exchange so settled.<sup>1</sup>

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [Richard] Howly;

That the election of a Secretary at War be postponed to the first day of October next.

On the question to agree to this, the yeas and nays being required by Mr. [Thomas] Bee:

<i>Massachusetts</i> ,			<i>Delaware</i> ,		
Mr. Adams,	ay	} ay	Mr. Rodney,	ay	} ay
Ward,	ay		McKean,	ay	
<i>Rhode Island</i> ,			<i>Maryland</i> ,		
Mr. Varnum,	no	} no	Mr. Carroll,	ay	} ay
<i>Connecticut</i> ,			Hanson,	ay	
Mr. Huntington,	ay	} ay	<i>Virginia</i> ,		
Root,	ay		Mr. Jones,	ay	} ay
Wolcott,	ay		Madison,	no	
<i>New York</i> ,			Bland,	ay	
Mr. Floyd,	ay	} ay	<i>North Carolina</i> ,		
McDougall,	ay		Mr. Burke,	ay	} ay
<i>New Jersey</i> ,			Sharpe,	no	
Mr. Witherspoon,	no	} div.	Johnston,	ay	
Clark,	ay		<i>South Carolina</i> ,		
<i>Pennsylvania</i> ,			Mr. Mathews,	no	} no
Mr. Atlee,	no	} no	Bee,	no	
Clymer,	ay		<i>Georgia</i> ,		
Wynkoop,	no		Mr. Walton,	no	} div.
T. Smith,	no		Howly,	ay	

So it was resolved in the affirmative.

<sup>1</sup> This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 28, folio 191.

*Resolved*, That the commissioners of the Board of War proceed upon the duties of that department, with all the powers and authorities, expressed in the act of the 7th of the present month, ascertaining the duties of the Secretary at War, until the farther order of Congress; any former resolutions to the contrary notwithstanding.

A letter, of 24, from the president of the State of Delaware was read:

*Ordered*, That it be referred to the Board of Treasury.

On motion of Mr. T[homas] Smith, seconded by Mr. [Thomas] McKean:

*Ordered*, That the committee to whom was referred the letter from the president of the senate and speaker of the house of assembly, of the State of New York, confer with a committee of the house of assembly of Pennsylvania respecting certificates issued by quartermasters and commissaries within that State, and devise ways and means for payment of those which have been heretofore given, and to prevent the necessity of the continuance of such certificates.

On motion of Mr. [Alexander] McDougall, seconded by Mr. [Theodorick] Bland, Congress came to the following resolution:<sup>1</sup>

[Whereas, It is the policy of all wise nations to discourage extravagance and promote economy in their public officers, and an attention to this policy is indispensibly necessary in republics; and,

Whereas, It is improper for the officers of the army or navy of these states to manifest the least disposition to imitate the Enemy in any respect which will not promote the service of these states, especially to wear the uniform of the Enemy's army or navy;]

*Resolved*, That after the first day of ~~February~~ January next, no officer whatsoever in the service of the United States

<sup>1</sup> The entries for the rest of this day up to the last paragraph are in George Bond's writing.

shall in any of them wear on his cloaths any gold or silver lace embroidery or vellum, ~~on pain of being cashiered~~ other than such as Congress or the Commander in Chief of the army or navy shall direct for the uniform of the corps and badges to distinguish officers.

*Resolved*, That after the said first day of ~~February~~ January next, no officer of any description in the army or navy of the United States, or any other officer in their service, shall ~~without express permission in writing from Congress the Commander in Chief of the Army or Navy~~ wear any uniform usually worn by the British army or navy ~~on pain of being cashiered~~.<sup>1</sup>

A memorial from Major William McPherson was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War to take order, the resolution of the 4th January notwithstanding.

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [Thomas] Bee:

*Resolved*, That a warrant issue in favor of the Paymaster General on the loan offices of the Southern States from Delaware to Georgia inclusive for the same proportion of the 4/10<sup>ths</sup> of the new emission subject to the orders of Congress (for the pay of the lines of the respective States from Delaware to Georgia inclusive) as has been granted to the Paymaster General for paying the lines of the Army in the Northern and Eastern States from Pennsylvania to New Hampshire inclusive.<sup>3</sup>

*Ordered*, That it be referred to the Board of ~~Treasury~~ War.

*Resolved*, That the several matters now before Congress be referred over, and recommended to the attention of the

<sup>1</sup> This preamble and the resolutions were also entered in the manuscript Secret (Domestic) Journal. The motion is in the *Papers of the Continental Congress*, No. 36, I, folio 57, the portion in brackets being in the writing of Alexander McDougall.

<sup>2</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, VI, folio 232.

<sup>3</sup> This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 223.

United States in Congress assembled, and that the committees who have not yet reported make report to them.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MARCH 1, 1781

A representation from the delegates of the State of New Hampshire, and the State of Rhode Island, was laid before Congress, and read.<sup>1</sup>

In pursuance of the act of the legislature of the State of New York read in Congress the 7 March, 1780, entitled, "An act to facilitate the completion of the Articles of Confederation and perpetual union among the United States of America," and which is in the words following:<sup>2</sup>

"Whereas nothing under Divine Providence, can more effectually contribute to the tranquillity and safety of the United States of America, than a federal alliance, on such liberal principles as will give satisfaction to its respective members; and whereas the articles of confederation and perpetual union, recommended by the honorable Congress of the United States of America have not proved acceptable to all the states; it having been conceived, that a portion of the waste and uncultivated territory, within the limits or claims of certain states, ought to be appropriated as a common fund for the expences of the war; and the people of this State of New York being on all occasions disposed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security; and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the before mentioned impediment to its final accomplishment:

Be it therefore enacted, by the people of the State of New-York, represented in senate and assembly, and it is hereby enacted by the authority of the same, that it shall and may be lawful to and for the delegates of this State, in the honorable Congress of the United States of America, or the major part of such of them as shall be assembled in Congress; and they the said delegates, or the major part of

<sup>1</sup> This representation, dated February 28, 1781, is in the *Papers of the Continental Congress*, No. 43, folio 187.

<sup>2</sup> From this point the entries are by a clerk in the Secretary's office whose handwriting has not been identified.

them, so assembled, are hereby fully authorized and empowered, for and on behalf of this State, and by proper and authentic acts or instruments, to limit and restrict the boundaries of this State in the western parts thereof, by such line or lines, and in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part, or in the whole, over the lands which may be ceded or relinquished, with respect only to the right or pre-emption of the soil.

And be it further enacted by the authority aforesaid, that the territory which may be ceded or relinquished, by virtue of this act, either with respect to the jurisdiction as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and enure for the use and benefit of such of the United States, as shall become members of the federal alliance of the said States, and for no other use or purpose whatsoever.

And be it further enacted by the authority aforesaid, that all the lands to be ceded and relinquished, by virtue of this act, for the benefit of the United States, with respect to property; but which shall nevertheless remain under the jurisdiction of this State, shall be disposed of and appropriated in such manner only, as the Congress of the said States shall direct; and that a warrant under the authority of Congress, for surveying and laying out any part thereof, shall entitle the party in whose favor it shall issue to cause the same to be surveyed and laid out, and returned according to the directions of such warrant, and thereupon letters patent under the great seal of this State shall pass to the grantee for the estate specified in the said warrant, for which no other fee or reward shall be demanded or received, than such as shall be allowed by Congress.

Provided always, and be it further enacted by the authority aforesaid, that the trust reposed, by virtue of this act, shall not be executed by the delegates of this State, unless at least three of the said delegates shall be present in Congress.

*State of New York, ss.*—I do hereby certify, that the foregoing is a true copy of the original act, passed the 19th of February, 1780, and lodged in the secretary's office.

ROBERT HARPUR, *Dep. Sec'y of State.*<sup>1</sup>

The delegates for the State of New-York executed in Congress the following act or declaration, to wit:

<sup>1</sup>A copy of the Act is in the *Papers of the Continental Congress*, No. 67, II, folio 250.

To all people who shall see these presents, we, James Duane, William Floyd, and Alexander McDougall, the underwritten delegates for the State of New York in the honorable Congress of the United States of America, send greeting:

Whereas it is stipulated as one of the conditions of the cession of territory, made for the benefit of the United States by the legislature of the State of Virginia, that the United States should guarantee to that State the boundaries reserved by her legislature for her future jurisdiction; and it would be unjust that the State of New York, as a member of the federal union, should be compelled to guarantee the territories which shall be reserved by other states making such cessions, when her own boundaries, as they are to be limited and restricted by the act or instrument of cession now to be executed, shall not be guaranteed in the same manner: wherefore, the said delegates for the State of New York, being uninstructed on this subject by their constituents, think it their duty to declare, and they do by this present instrument declare, that the cession of territory and restriction of boundary of the said State of New York, now to be made by them in behalf of the people of the said State, shall not be absolute; but on the contrary, shall be subject to ratification or disavowal by the people of the said State, represented in senate and assembly, at their pleasure; unless the boundaries reserved for the future jurisdiction of the said State, by the instrument of cession now to be executed by us, shall be guaranteed by the United States, in the same manner and form as the territorial rights of the other states shall be guaranteed, which have made or may make cessions of part of their claims for the benefit of the United States; the people of the State of New York, on their part, submitting that any part of their limits, which are or may be claimed by any of the United States, shall be determined and adjusted in the mode prescribed for that purpose by the Articles of Confederation. In testimony whereof, we have hereunto set our hands and seals, in the presence of Congress, this first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our independence the fifth.

JAMES DUANE,	(L. S.)
WM. FLOYD,	(L. S.)
ALEXANDER McDUGALL,	(L. S.)

Sealed and delivered in the presence of

CHARLES THOMSON,  
CHARLES MORSE,  
EBENEZER SMITH.<sup>1</sup>

<sup>1</sup> Charles Thomson resumes the entries from this point.



The foregoing being executed, the delegates aforesaid, in virtue of the powers vested in them by the act of their legislature above recited, proceeded and executed in due form in behalf of their State, the following instrument, viz.

To all people who shall see these presents, we, James Duane, William Floyd and Alexander McDougall, the underwritten delegates for the State of New York in the honorable Congress of the United States of America, send greeting:

Whereas by an act of the legislature of the said State of New York, passed at a session held at Albany, in the year of our Lord one thousand seven hundred and eighty, entitled "An act to facilitate the completion of the Articles of Confederation and perpetual union among the United States of America;" it is declared, that the people of the State of New York were on all occasions disposed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depended upon them, the impediment to its final accomplishment, respecting the waste and uncultivated lands within the limits of certain states; and it is therefore thereby enacted by the people of the said State of New York, represented in senate and assembly, and by the authority of the same, that it should and might be lawful to and for the delegates of the said State in the honorable Congress, and they or the major part of them, so assembled, are thereby fully authorized and empowered, for and on behalf of that State, and by proper and authentic acts or instruments, to limit and restrict the boundaries of the said State in such manner and form as they shall judge to be expedient, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or reserving the jurisdiction in part or in the whole, over the lands which may be ceded or relinquished with respect only to the right of pre-emption of the soil: and by the said act it is further enacted, that the territory which may be ceded or relinquished by virtue thereof, either with respect to the jurisdiction, as well as the right or pre-emption of soil, or the right or pre-emption of soil only, shall be and enure for the use and benefit of such of the United States, as shall become members of the federal alliance of the said states, and for no other use or purpose whatsoever: and by the said act it is provided and enacted that the trust reposed by virtue thereof, shall not be executed by the delegates of the said State, unless at least three of the said delegates shall be

present in Congress: and whereas, by letters patent, under the great seal of the said State of New York, bearing date the 29th day of October last past, reciting that the Senate and Assembly had, on the 12th day of September then last past, nominated and appointed us, the said James Duane, William Floyd and Alexander McDougall, together with John Morin Scott and Ezra L'Hommedieu, delegates to represent the said State in the Congress of the United States of North America, therefore in pursuance of the said nomination and appointment, the people of the said State of New York, did thereby commission us, the said James Duane, William Floyd and Alexander McDougall, and the said John Morin Scott and Ezra L'Hommedieu, or any majority who should, from time to time, attend the said Congress; and if only one of the said delegates should at any time be present in the said Congress, he should in such case, be authorized to represent the said State in the said Congress, as by an authentic copy of the said act, and an exemplification of the said commission, remaining among the archives of Congress, fully appears.

Now therefore know ye, that we, the said James Duane, William Floyd and Alexander McDougall, by virtue of the power and authority, and in the execution of the trust reposed in us as aforesaid, have judged it expedient to limit and restrict, and we do by these presents, for and on behalf of the said State of New York, limit and restrict the boundaries of the said State in the western parts thereof, with respect to the jurisdiction, as well as the right or pre-emption of soil, by the lines and in the form following, that is to say: a line from the north-east corner of the State of Pennsylvania, along the north bounds thereof to its north-west corner continued due west until it shall be intersected by a meridian line, to be drawn from the forty-fifth degree of north latitude, through the most westerly bent or inclination of Lake Ontario; thence by the said meridian line to the forty-fifth degree of north latitude; and thence by the said forty-fifth degree of north latitude: but if on experiment, the above described meridian line shall not comprehend twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara, then we do by these presents, in the name of the people, and for and on behalf of the State of New York, and by virtue of the authority aforesaid, limit and restrict the boundaries of the said State in the western parts thereof, with respect to jurisdiction, as well as the right or pre-emption of soil, by the lines and in the manner following, that is to say; a line from the north-east corner of the

State of Pennsylvania, along the north bounds thereof, to its north-west corner, continued due west until it shall be intersected by a meridian line to be drawn from the forty-fifth degree of north latitude, through a point twenty miles due west from the most westerly bent or inclination of the river or strait of Niagara; thence by the said meridian line to the forty-fifth degree of north latitude, and thence by the said forty-fifth degree of north latitude: And we do by these presents, in the name of the people, and for and on behalf of the State of New York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer, and forever relinquish to, and for the only use and benefit of such of the states as are or shall become parties to the Articles of Confederation, all the right, title, interest, jurisdiction and claim, of the said State of New York, to all lands and territories to the northward and westward of the boundaries, to which the said State is in manner aforesaid limited and restricted, and to be granted, disposed of, and appropriated in such manner only, as the Congress of the said United or Confederated States shall order and direct.

In testimony whereof we have hereunto subscribed our names, and affixed our seals in Congress, the 1st day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our independence the fifth.

Signed	JAS <sup>s</sup> DUANE,	(L. S.)
	W <sup>m</sup> FLOYD,	(L. S.)
	ALEX: McDUGALL,	(L. S.)

Sealed and delivered in presence of

CHA THOMSON,  
CHA MORSE,  
EBENEZER SMITH.<sup>1</sup>

According to the order of the day, the hon<sup>ble</sup> John Hanson and Daniel Carroll, two of the delegates for the State of Maryland, in pursuance of the act of the legislature of that State, entitled "An act to empower the delegates of this State in Congress to subscribe and ratify the Articles of Confederation," which was read in Congress the 12 of February last, and a copy thereof entered on the minutes,

<sup>1</sup> This act of session is in the *Papers of the Continental Congress*, Sessions of Western Lands.

did, in behalf of the said State of Maryland, sign and ratify the said articles, by which act the Confederation of the United States of America was completed, each and every of the Thirteen United States, from New Hampshire to Georgia, both included, having adopted and confirmed, and by their delegates in Congress, ratified the same, [which is in the words following:]<sup>1</sup>

To all to whom these Presents shall come, we the under signed Delegates of the States affixed to our Names, send greeting.

Whereas the Delegates of the United States of America, in Congress assembled, did, on the 15th day of November, in the Year of our Lord One thousand Seven Hundred and Seventy seven, and in the Second Year of the Independence of America, agree to certain articles of Confederation and perpetual Union between the States of New-hampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia in the words following, viz. "Articles of Confederation and perpetual Union between the states of Newhampshire, Massachusetts-bay, Rhodeisland and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia.

Article I. The Stile of this confederacy shall be "The United States of America."

Article II. Each state retains its sovereignty, freedom, and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

Article III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their Liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatsoever.

Article IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds and

<sup>1</sup> The words in brackets are in the *Papers of the Continental Congress*, No. 9 (History of the Confederation) but not in the Journal.

fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restriction shall not extend so far as to prevent the removal of property imported into any state, to any other state, of which the Owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any state, on the property of the united states, or either of them.

If any Person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from Justice, and be found in any of the united states, he shall, upon demand of the Governor or executive power, of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

Article V. For the more convenient management of the general interests of the united states, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each state, to recal its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the Year.

No state shall be represented in Congress by less than two, nor by more than seven Members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the united states, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the united states in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any Court, or place out of Congress, and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

Article VI. No state, without the Consent of the united states in congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King prince or state; nor shall any person holding any office of profit or trust under the united states, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the united states in congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the united states in congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the united states in congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only, as shall be deemed necessary by the united states in congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the united states, in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the united states in congress assembled can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled, unless such state be infested by pirates,

in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the united states in congress assembled, shall determine otherwise.

Article VII. When land-forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the State which first made the appointment.

Article VIII. All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the united states in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state, granted to or surveyed for any Person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the united states in congress assembled, shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the united states in congress assembled.

Article IX. The united states in congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the united states shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of congress shall be appointed a judge of any of the said courts.

The united states in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that

hereafter may arise between two or more states concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, congress shall name three persons out of each of the united states, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as congress shall direct, shall in the presence of congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administred by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection or hope of reward:" provided also, that no state shall be deprived of territory for the benefit of the united states.



All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the congress of the united states, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The united states in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the united states—regulating the trade and managing all affairs with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not infringed or violated—establishing or regulating post-offices from one state to another, throughout all the united states, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expences of the said office—appointing all officers of the land forces, in the service of the united states, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the united states—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The united states in congress assembled shall have authority to appoint a committee, to sit in the recess of congress, to be denominated “A Committee of the States,” and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the united states under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of Money to be raised for the service of the united states, and to appropriate and apply the same for defraying the public expences—to borrow money, or emit bills on the credit of the united states, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted,—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to

the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men and cloath, arm and equip them in a soldier like manner, at the expence of the united states; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the united states in congress assembled: But if the united states in congress assembled shall, on consideration of circumstances judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the united states in congress assembled.

The united states in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the united states, or any of them, nor emit bills, nor borrow money on the credit of the united states, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the united states in congress assembled.

The congress of the united states shall have power to adjourn to any time within the year, and to any place within the united states, so that no period of adjournment be for a longer duration than the space of six Months, and shall publish the Journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the Journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request shall

be furnished with a transcript of the said Journal, except such parts as are above excepted, to lay before the legislatures of the several states.

Article X. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of congress, such of the powers of congress as the united states in congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the united states assembled is requisite.

Article XI. Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

Article XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of congress, before the assembling of the united states, in pursuance of the present confederation, shall be deemed and considered as a charge against the united states, for payment and satisfaction whereof the said united states, and the public faith are hereby solemnly pledged.

Article XIII. Every state shall abide by the determinations of the united states in congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united states, and be afterwards confirmed by the legislatures of every state.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. Know Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our re-

spective constituents, that they shall abide by the determinations of the united states in congress assembled, on all questions, which by the said confederation are submitted to them. And that the articles thereof shall be inviolably observed by the states we respectively represent, and that the union shall be perpetual. In Witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the state of Pennsylvania the ninth day of July, in the Year of our Lord one Thousand seven Hundred and Seventy-eight, and in the third year of the independence of America.

Josiah Bartlett, John Wentworth, jun <sup>r</sup> August 8th, 1778,	}	On the part & behalf of the State of New Hampshire.
John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten, William Ellery, Henry Marchant, John Collins, Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Andrew Adams,		
Ja <sup>s</sup> Duane, Fra: Lewis, W <sup>m</sup> Duer, Gouv <sup>r</sup> Morris,	}	On the part and behalf of the State of New York.
Jn <sup>o</sup> Witherspoon, Nath <sup>l</sup> Scudder, Robert Morris, Daniel Roberdeau, Jon. Bayard Smith, William Clingar, Joseph Reed, 22d July, 1778,		
Tho <sup>s</sup> McKean, Feb <sup>r</sup> 22d, 1779,	}	On the part & behalf of the State of Delaware.
John Dickinson, May 5th, 1779, Nicholas Van Dyke, John Hanson, March 1, 1781, Daniel Carroll, do		
	}	On the part and behalf of the State of Maryland.

Richard Henry Lee, John Banister, Thomas Adams, Jn <sup>o</sup> Harvie, Francis Lightfoot Lee, John Penn,	}	On the Part and Behalf of the State of Virginia.
July 21st, 1778,		
Corn <sup>o</sup> Harnett, Jn <sup>o</sup> Williams,	}	On the part and behalf of the State of North Carolina.
Henry Laurens, William Henry Drayton, Jn <sup>o</sup> Mathews, Rich <sup>d</sup> Hutson, Tho <sup>o</sup> Heyward, jun <sup>r</sup> .		
Jn <sup>o</sup> Walton, 24th July, 1778, Edw <sup>d</sup> Telfair, Edw <sup>d</sup> Langworthy,	}	On the part and behalf of the State of Georgia. <sup>1</sup>

Adjourned.

THE UNITED STATES IN CONGRESS ASSEMBLED,<sup>2</sup>  
FRIDAY, MARCH 2, 1781

The ratification of the Articles of Confederation being yesterday compleated by the accession of the State of Maryland:

The United States met in Congress, when the following members appeared:

His excellency Samuel Huntington, delegate for Connecticut, President.

From <i>New Hampshire</i> , Mr. John Sullivan, <i>Massachusetts</i> , Mr. Samuel Adams, James Lovell, Artemas Ward,		<i>Rhode Island and Providence Plan-</i> <i>tations</i> , Mr. James Mitchell Varnum, <i>Connecticut</i> , Mr. Jesse Root, Oliver Wolcott,

<sup>1</sup> The proceedings of this day with respect to the signing of the Articles of Confederation, the Articles themselves and the signers are entered in the *Papers of the Continental Congress*, No. 9 (History of the Confederation), but not in the Journal itself. The Articles are printed here from the original roll in the Bureau of Rolls and Library, Department of State.

<sup>2</sup> "The United States in Congress Assembled" was put at the head of each page of the Journal, with occasional omissions, from this date until August 1<sup>st</sup>.

*New York,*

Mr. James Duane,  
William Floyd,

*New Jersey,*

Mr. John Witherspoon,  
Abraham Clark,

*Pennsylvania,*

Mr. [Samuel John] Atlee,  
[Henry] Wynkoop,  
Thomas Smith,

*Delaware,*

Mr. Thomas Rodney,  
Thomas McKean,

*Maryland,*

Mr. John Hanson,  
Daniel Carroll,

*Virginia,*

Mr. Joseph Jones,  
James Madison,  
Theodorick Bland,  
Meriwether Smith,

*North Carolina,*

Mr. Thomas Burke,  
William Sharpe,  
Samuel Johnston,

*South Carolina,*

Mr. John Mathews,  
Thomas Bee,  
Isaac Motte,

*Georgia,*

Mr. George Walton,  
William Few,  
Richard Howly,

CHA THOMSON, *Secretary*.<sup>1</sup>

A letter, of 26 February, from General Washington, was read.<sup>2</sup>

*Ordered*, That so much thereof as relates to the frigates be referred to the Board of Admiralty.

A letter, from B. Stoddert, was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of ~~War~~ Treasury.

A letter, of this day, from the hon<sup>ble</sup> the minister plenipotentiary of France, was read; Whereupon,<sup>4</sup>

*Ordered*, That a committee of five be appointed to confer with the said minister.

<sup>1</sup> The following resolution, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 43, folio 189, but does not appear to have been offered:

*Resolved*, That nine or more states represented by two or more delegates respectively are sufficient, as heretofore, to constitute a Congress for the dispatch of business. And that the suffrage of a majority of such nine or more states in Congress assembled shall decide all questions except in the cases wherein the 9<sup>th</sup> article of the Confederation requires the assent of nine states.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 1; it is printed in the *Writings of Washington* (Ford), IX, 168.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XXI, folio 29.

<sup>4</sup> This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 271.

The members, Mr. [Joseph] Jones, Mr. [James] Duane, Mr. [Samuel] Adams, Mr. [Daniel] Carroll, Mr. [Thomas] Bee.

On motion of Mr. [John] Mathews:

*Ordered*, That a committee of three be appointed, to revise the rules of the late Congress.

The members, Mr. [James] Duane, Mr. [John] Mathews, Mr. [Thomas] Burke.

*Ordered*, That Mr. [James Mitchell] Varnum have leave of absence.

The committee to whom were referred the letter from the president of the senate and speaker of the house of assembly of the State of New York, and the letter from Governor Clinton;

The Committee to whom was referred the letters of Governor Clinton, Pierre Van Courtland &c. beg leave to report, that in order to afford relief to the State of New York and other States under similar circumstances the following resolutions will be necessary:

*Resolved*, That it be recommended to the respective States to repeal all laws now in force for making bills of credit a legal tender.

*Resolved*, That the quarterly tax requested by an Act of Congress of the — day of — be considered as a Specie tax and that the bills issued by either State in pursuance of the Act of the 18<sup>th</sup> of March last be received agreeable to their nominal value equal with silver and gold.

*Resolved*, That the respective States be authorized to issue their new money of the 18<sup>th</sup> of March in exchange for old Continental Bills, ~~or for Quarter-Master's or Commissaries Certificates~~ at the relative value between them and specie.

*Resolved*, That the respective States, be directed not to issue new bills in future, but in exchange for bills of the old emissions, or for the certificates before mentioned, at the current rate of exchange, agreeable to the relative value between them and specie.

*Resolved*, That the embargo be taken off from the State of New York.<sup>1</sup>

<sup>1</sup> This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 20, I, folio 365. It is in the list of postponed reports in No. 31, folio 371.

The committee on the letter, of 28 February, from Doctor W. Burnet;

The Committee to whom was referred the letter of Dr William Burnet beg leave to report,

That on the eleventh of April 1777 Dr Burnet was elected Physician and Surgeon General of the army in the eastern department, and continued in the exercise of that office until the new election of officers in the medical department on the 6<sup>th</sup> day of October last, when Dr Burnet was elected a Physician and Surgeon of the Hospital, That by the appointment of Dr Cochran Chief Physician and Surgeon of the army to the Directorship of the Hospital—there is now a vacancy in the office of the Chief Physician and Surgeon of the army,

Whereupon y<sup>r</sup> Committee submit the following Resolution:

*Resolved*, That to morrow Congress will proceed to the election of a Chief Physician and Surgeon to the army.<sup>1</sup>

The committee on the letter, of 26 February, from the Board of War;

The committee on the letter, of 22 January, from Colonel Broadhead;

The Committee to whom was referred the letter from Colonel Brodhead commanding Officer at Fort Pitt of the 22<sup>nd</sup> ult. to Richard Peters of the Board of War, beg leave to report that it be recommended to the executive of the State of Virginia to permit such provisions as are or may be purchased in the upper part of that State for the use of the Army in the Western Department to be transported to Fort Pitt, or if the said State should not think proper to give such permission then that so much of the provisions purchased by order of the said State on the Western Waters and within the State of Pennsylvania as may be absolutely necessary for the support of the Army under the command of Col Brodhead, be applied for that purpose and that Virginia be credited for the just value of the same.<sup>2</sup>

<sup>1</sup> This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, I, folio 471. It was postponed, as the indorsement shows, and a resolution in lieu of it passed March 3.

<sup>2</sup> This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 27, folio 125. The indorsement says: "August 24, 1781, not to be acted upon."



The committee to whom was referred the case of the hon<sup>ble</sup> H. Laurens, made a prisoner on his passage to Europe, and said to be committed to the Tower of London on suspicion of high treason; and

The Committee to whom was referred the information of the Honorable Henry Laurens Esq. being committed to the Tower of London beg leave to report,

That they have taken the Matter into their serious Consideration and submit to Congress the following State of Facts and Resolutions:

That M<sup>r</sup> Laurens who was formerly President of Congress came into that Body long after the Independence of these States was solemnly declared and being in a high Character in their Service, and taken upon the high seas, instead of being treated as a Prisoner of War, was sent to the Tower of London, put into close confinement, and by the tenor of his commitment is pretended to be considered as a traitorous subject of the King of Great Britain;

That the United States are and of Right ought to be free and independent, and their Citizens ought to receive the same treatment when taken Prisoners as the subjects of other Independent States do among civilized Nations, the rather that their Independence has been explicitly acknowledged by one of the greatest and most enlightened Powers of Europe;

That they have been in full Possession of their Independence for several years, which alone ought to have protected their subjects Citizens from such cruel and barbarous Treatment as is seldom given but to those who are guilty of causeless and seditious Insurrections against Law and order in general in a Government formerly at peace;

That their Independence has been acquiesced in and virtually acknowledged by the Court of Great Britain so far as regards the Treatment of Prisoners, and the Conduct of the War many public Exchanges having taken place by agreement of the Commanders in Chief of both armies of Soldiers, Mariners, and Citizens of all Ranks, and even Cartels having been settled fixing the Principles upon which they are still to be conducted.

Your Committee upon these Grounds are of opinion that it is incumbent on the Congress of the United States speedily and strongly to express their Resentment against this Infraction of their Rights and take effectual Measures for preventing any similar conduct in

their enemies for the future. With this View they submit to the House the following Resolution:

That with all possible Expedition and Secrecy ——— be put into secure and close confinement treated in the very Manner that Mr Laurens is treated, ~~and that public notice be sent to the commander in chief of the British Armies that unless Mr. Laurens is acknowledged to be and treated as a prisoner of war the United States will inflict such punishment upon the officers so confined as will testify their just resentment of the injury they have received through their minister.~~<sup>1</sup>

The committee on the report of the Board of War on the case of Colonel Campbell, delivered in their several reports.<sup>2</sup>

[Report of the Committee on the report of the Board of War on the case of Col D. Campbell March 2<sup>nd</sup> 1781]

That, at the commencement of the war, he was a lieutenant upon half pay in the british service, which he gave up on the 17 day of July 1775, when he was appointed by Congress, deputy-quartermaster-general of the New York department, with the rank of Colonel. That, on the 12 day of September 1776 he was superseded by the appointment of Colonel Morgan Lewis to that department; soon after which, Colonel Campbell made application to Congress, and on the 13 day of February 1777, it was resolved "That the said Colonel Campbell be continued in his former pay and rank, and that he repair directly to the Commissioners for auditing and settling the accounts of the Northern Army and settle with them the accounts of his late department."

That since passing the said resolution, Colonel Campbell has been upon no service in the Army, and six months' attendance on the Commissioners were fully sufficient for settling his accounts, Colonel Campbell supposing he had rank but no command, which your Committee are of opinion was continued to him by the act of Congress of the 13 of January 1777. The following resolution is therefore submitted:

<sup>1</sup> This report, in the writing of John Witherspoon, is in the *Papers of the Continental Congress*, No. 19, III, folio 417. The indorsement shows it was postponed and says: "August 24, 1781, not to be acted upon."

<sup>2</sup> A letter, of March 1, from John Paul Jones was read this day, as the indorsement states. It is in the *Papers of the Continental Congress*, No. 168, folio 471

That Colonel Donald Campbell be considered from the 13 day of August 1777 as a retiring Officer upon half pay, and be entitled to receive the like emolument with other reduced Officers.<sup>1</sup>

Motion by M<sup>r</sup>. Sullivan Seconded by

That Congress be adjourned to the first day of June next and that a com<sup>ee</sup> of one member from each State be appointed to form a Com<sup>ee</sup> of the United States.

Passed in the negative.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

SATURDAY, MARCH 3, 1781

Mr. [George] Clymer, a delegate for Pensylvania, attended, and took his seat.

The report of the committee on the letter of 26 February, from the Board of War, respecting the removal of the Convention prisoners, was taken into consideration; and thereupon,

*Ordered*, That the Convention prisoners, as well in the State of Maryland as Virginia, be removed; the British to Yorktown, and the Germans to Lancastertown, in the State of Pensylvania; or such other place or places within the said State as the executive thereof shall direct: and that it be, and hereby is recommended to the executive of the State of Virginia, to superintend the removal, safe keeping and supply of the Germans to Noland's ferry, on Potomac river; from which place it is recommended to the executive of the State of Maryland to superintend their removal, safe keeping and supply to the borders of that State, and to continue their guard to Lancaster, the State of Pensylvania furnishing the necessary supplies; that it be, and is also rec-

<sup>1</sup> This report, in the writing of George Walton, is in the *Papers of the Continental Congress*, No. 147, VI, folio 81.

<sup>2</sup> This motion, in the writing of Charles Thomson and dated March 2, 1781, is in the *Papers of the Continental Congress*, No. 36, IV, folio 417.

commended to the State of Maryland to provide a guard, and furnish the supplies for the Convention prisoners to be removed from Fredericktown to Yorktown, the guard to continue on to Yorktown, but the supplies, after entering Pennsylvania, to be furnished by that State: that the executive of the State of Pennsylvania, be, and hereby is requested to order the supplies agreeably to the above resolutions, and make the necessary preparations for the reception of the prisoners at the towns or places assigned as aforesaid; and upon their arrival at those places respectively, the Board of War take order for their future security and supply.<sup>1</sup>

The report of the committee on the letter of the 28th February from Dr. W. Burnet, was taken into consideration; Whereupon,

*Ordered*, That Dr. James Craik, chief hospital physician and surgeon, be, and he is hereby appointed chief physician and surgeon of the army, in the room of Dr. J. Cochran, elected director of the hospital; and that Monday next be assigned for electing a chief hospital physician and surgeon, in the room of Dr. Craik, removed to the army.<sup>2</sup>

The report of the committee on the letters from Governor Clinton, and the president of the senate and speaker of the house of assembly of New York was taken into consideration, and, after debate;

Adjourned to 10 o'Clock on Monday.

#### MONDAY, MARCH 5, 1781

A letter, of 27 February, from General Washington, was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of War.

<sup>1</sup> This report, in the writing of Joseph Jones, is in the *Papers of the Continental Congress*, No. 27, folio 123.

<sup>2</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, I, folio 473.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 147, VI, folio 255.

A letter, of 4, from the hon<sup>ble</sup> the minister of France, was read, enclosing a letter from Tronson de Jardin, brother to the late Tronson du Coudray: <sup>1</sup>

*Ordered*, That it be referred to the Board of Treasury.

A memorial of Ebenezer Greene was read: <sup>2</sup>

*Ordered*, That it be referred to the Board of Treasury.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of Mr. [George] Walton, a delegate for the State of Georgia, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twenty thousand dollars of the old emissions, for which the said State of Georgia is to be accountable; <sup>3</sup>

That on the application of the inspectors of the press, a warrant issue on the treasurer in their favour, for five thousand dollars of the old emissions, to defray the contingent expenses of their office, and for which sum the said inspectors are to be accountable. <sup>4</sup>

A report from the Board of War was read; Whereupon,

WAR OFFICE, *Feb<sup>r</sup> 28. 1781.*

SIR,

Congress having resolved that Cap<sup>t</sup> O'Neil be entitled to one year's pay in bills of the new emission, it was presumed that the matter of procuring the money lay of course with the Treasury Board, but as we are informed the Gentlemen of that Board are of opinion that the Board of War should draw a warrant on the Pay Master General for the pay which by a former Resolution of Congress we are restricted from doing. We therefore submit the matter to the decision of Congress, who will in either case determine,

That the Treasury board be directed to report a warrant in favor of Captain O'Neil for one year's pay in bills of the new emissions, to which he is entitled by the resolution of Congress of the 21<sup>st</sup> instant, or

<sup>1</sup> A translation of this letter, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 136, V, folio 171.

<sup>2</sup> This memorial is in the *Papers of the Continental Congress*, No. 136, V, folio 155.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 139.

<sup>4</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 141.

*Ordered*, That the Board of War draw a warrant on the paymaster general, in favour of Captain O'Neil, for one year's pay in bills of the new emissions, to which he is entitled by the resolution of Congress of the 21 of last month, the resolve of the 4th of January last notwithstanding.<sup>1</sup>

A report of the Board of War, on a letter from N. Barber, commissary of military stores at Boston, was read, representing his desire to resign; Whereupon,

AT A BOARD OF WAR *Feb<sup>r</sup> 28<sup>th</sup> 1781*

Present Mr Peters Gen. Ward Gen. Cornell.

The Board taking into consideration the letter from Nathaniel Barber Junior Commissary of Military Stores at Boston herewith transmitted, Beg leave to represent

That Mr Barber has always appeared to be a faithful attentive officer, and has served in the Department from the commencement of the War. That the business at the post now being reduced to a small compass, and he having expressed a desire to resign it seems proper for Congress to resolve,

*Resolved*, That the resignation of Nathaniel Barber, commissary of military stores at Boston, in the State of Massachusetts, be accepted:

That N. Barber be entitled to receive a similar allowance for past services, with other officers of the like station in the department of military stores:

That it be, and hereby is recommended to the executive of the State of Massachusetts, to advance to Nathaniel Barber on account, two hundred and two dollars, in bills of the new emission, being three months' pay, and charge the same to the United States of America.<sup>2</sup>

A letter, of 15 February, from Major General Greene; and

A letter, of 26 February, from Governor Jefferson, were read.<sup>3</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 148, I, folio 321.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 221.

<sup>3</sup> Greene's letter is in the *Papers of the Continental Congress*, No. 155, I, folio 577; the Virginia letter is in No. 71, II, folio 49.

According to the order of the day, Congress proceeded to the election of a chief physician and surgeon of the hospital, in the room of Dr. Craik, removed to the army; and, the ballots being taken, Dr. William Burnet was elected, having been previously nominated by Mr. [John] Witherspoon.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MARCH 6, 1781

A letter, of 1, from General Washington, was read, enclosing a letter, of 26 February, from the governor of Connecticut:<sup>2</sup>

*Ordered*, That the letter from the governor of Connecticut be referred to the Board of War.

A letter, of 3, from T. Pickering, quartermaster general, was read:<sup>3</sup>

*Ordered*, That it be referred to the Committee of the Whole.

A petition of John Connor was read;<sup>4</sup> Whereupon,

*Ordered*, That the Board of Admiralty give orders to the commissary of prisoners to discharge from confinement John Goodwin, master, Daniel Leary, mate, John Young, Jeremy Bryan, Bartholomew Bryan, John French, mariners, and two boys, the crew of the Brig *Elizabeth*, committed as prisoners of war at the instance of the naval officer of Pennsylvania, they giving such security as the Board shall judge proper, to render themselves respectively when and wheresoever they may be required by the Court of Admiralty, and not to do or attempt

<sup>1</sup> A letter of March 3, from the Board of War, respecting the clothing department was read, according to the indorsement. It is in the *Papers of the Continental Congress*, No. 148, I, folio 325.

<sup>2</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 5; the Connecticut letter is in No. 66, II, folio 182.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 192, folio 49.

<sup>4</sup> This petition, dated March 5, 1781, is in the *Papers of the Continental Congress*, No. 42, II, folio 96.

anything to the prejudice of the United States of America or any of them.

On motion of Mr. [Thomas] McKean, seconded by Mr. [James] Duane:

*Ordered*, That a committee of three be appointed to devise and report the mode of appointing courts for the trial of piracies and felonies committed on the high seas.

The members, Mr. [Thomas] McKean, Mr. [James] Duane, Mr. [Thomas] Bee.

In pursuance of the order of the 9th of February last, the Board of Treasury laid before Congress "a state of the arrearages of the public taxes previous to the resolution of the 18 March, 1780, and the quotas of the respective states in consequence of that resolution;" together with a report respecting the same:

TREASURY OFFICE, *March 5, 1781.*

To carry into effect the Resolution of Congress of the 28th ult. for the Payment of Contracts for Shot and Shells entered into by the Board of War and for other Purposes, the Board of Treasury beg leave to submit the following Resolution:

*Resolved*, That Bills of Exchange be drawn under the Direction of the Board of Treasury on the Minister Plenipotentiary of the United States of America at the Court of Versailles, at six months' sight, for 55,333 $\frac{1}{2}$  dollars, at  $\frac{4}{6}$  the dollar, to be paid to the Board of War to enable them to fulfill their Engagements for the aforesaid Shot and Shells.

To comply as far as possible with the Resolution of Congress of the 9 ult. the Board beg leave to present to them a State of the Arrearages of the public Taxes, previous to the Resolution of the 18 of March last, and the Quotas of the respective States in Consequence of that Resolution. It is to be observed that it would seem the Quota for the Month of April, 1781, ought not to have been included, as it is by the aforesaid Act of the 18 of March last; for it will appear by the present Return that it carries the sum of ten millions of dollars, beyond the whole of the Emissions of the old Currency—the Board on this supposition in their orders to the Superintendants of the Press for their respective Quotas of the New



Money have excluded it, and when the several Quotas of the States are completed agreeably to their Orders as aforesaid, the aggregate sum will be but one hundred and ninety-five millions.

The Board beg leave to observe, that the want of proper and punctual Returns from many of the Commissioners of the Loan Offices occasions great embarrassments in the public accounts, and disappoints the Desires of Congress in receiving the Information they require.

The Board have done every Thing in their Power to cause the Commissioners to perform their duty; but while the Incapacity of some puts it out of their Power to comply with the Directions of the Board, and the Inattention and Neglect of others is permitted, Congress must unavoidably remain uninformed of a true State of their Finances.<sup>1</sup>

*Ordered*, That the same be referred to a Committee of the Whole.

On motion of Mr. [James] Duane, seconded by Mr. [Jesse] Root,

*Ordered*, That the Board of Treasury report to the United States in Congress assembled, the commissioners of the loan offices in the several states who have neglected to make proper returns to the Board of Treasury, agreeably to orders given them for that purpose.

On motion of the delegates for the State of Delaware,

*Resolved*, That Samuel Patterson and John Thompson, esquires, be appointed commissioners on the part of the United States of America, either of them to indorse the bills that shall be emitted by the State of Delaware, pursuant to the act of Congress of the 18 day of March, 1780.

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [Thomas] McKean:

*Ordered*, That it be referred to the committee to whom were referred the proceedings of the convention of sundry states met at Hartford.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 145.

A motion was made by the delegates of Pennsylvania, relative to the Convention prisoners:

That the German Prisoners now in Virginia or Maryland be removed to Connecticut or to some other State Eastward of Pennsylvania.<sup>1</sup>

*Ordered*, That it be referred to a committee of three.

The members, Mr. [Jesse] Root, Mr. [Samuel John] Atlee, Mr. [Daniel] Carroll.

On motion of Mr. [Jesse] Root, seconded by Mr. [John] Mathews,

*Ordered*, That Tuesday, Thursday, and Saturday in every week be assigned for the subject of finance, until the United States in Congress assembled, shall have come to a final decision on that subject; and that on those days the business be entered upon immediately after reading the Journal.

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [Jesse] Root:

*Ordered*, That a committee of three be appointed to prepare a plan to invest the United States in Congress assembled with full and explicit powers for effectually carrying into execution in the several states all acts or resolutions passed agreeably to the Articles of Confederation.<sup>2</sup>

The members, Mr. [James Mitchell] Varnum, Mr. [James] Duane, Mr. [James] Madison.

The report of the committee on the letters, from Governor Clinton and from the president of the senate and speaker of the house of assembly of the State of New York, was taken into consideration, and, after some time spent thereon:

*Ordered*, That the farther consideration thereof be postponed till to Morrow.

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This motion, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 20, II, folio 118.

<sup>2</sup> The following undated resolution, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 24, folio 33:

*Resolved*, That a committee be appointed to digest such additional articles to the Act of Confederation to be exercised during the war as shall be deemed necessary to be proposed to the respective states for their ratification.

## WEDNESDAY, MARCH 7, 1781

A letter, of this day, from J. Ross; and

A letter, of the 6, from Theop. Gardner and Pat. Ferral, were read.

A memorial of Francis Hagan, a physician and surgeon in the hospital, was read; Whereupon,<sup>1</sup>

The report of the committee, appointed to report a proper compensation for the staff of the army in consequence of the depreciation of the currency, and to whom was referred a paper containing instructions to the delegates of Massachusetts, was called for; and, Thereupon,

*Resolved*, That the officers in the several staff departments who have served under Congress with the army, or any detachment of the army, and who were engaged for three years or during the war, and were in service on the tenth day of April last, or who have since engaged or shall hereafter engage during the war, and who have been on certain wages or monthly pay, shall, so soon as the state of the public finances will admit, have the depreciation, accruing on their original pay after the time of their respective entry into office, made good; and that all additions to the pay originally assigned to the office, and all the money and articles heretofore paid or furnished or hereafter to be paid or furnished by Congress or the states or any of them as for pay, subsistence or to compensate for deficiencies, shall be deemed as advanced on account;

That the Board of War certify what officers in the staff are entitled to the benefit of the above resolution, and that none shall be considered as entitled to the compensation for the depreciation aforesaid but those who shall obtain such certificates.<sup>2</sup>

<sup>1</sup> Ross's letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 339; Gardner and Ferral's is in No. 78, X, folio 303; Hagan's memorial is in No. 41, IV, folio 173.

<sup>2</sup> This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 21, folio 259.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE, *March 6<sup>th</sup>, 1781.*

The Board of Treasury beg leave to report,

*Ordered*, That on the application of Mr. [James] Duane, one of the delegates for the State of New York, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twenty thousand dollars of the old emissions, for which the said State of New York is to be accountable;

That upon the application of Mr. W[illiam] Floyd, a delegate for the said State of New York, a warrant issue in his favour on Thomas Smith, commissioner aforesaid, for fifteen thousand dollars of the old emissions, for which the said State of New York is to be accountable;

The Board having considered the Applications from the Commissioners of the Chambers of Accounts at the Treasury and Joseph Carleton Secy to the Board of War and Pay Master to the Board of War and Ordnance inclosing Estimates of Necessaries immediately wanted in their Offices respectively and conceiving the same indispensibly necessary beg leave to report,

That the following warrants issue on Thomas Smith, commissioner aforesaid: one in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for ten thousand dollars of the old emissions, to defray the contingent expences of the office, and for which he is to be accountable; and another in favour of John L. Clarkson, clerk to the Board of Treasury, for ten thousand dollars of the old emissions to defray the contingent expences of the treasury office, and for which sum he is to be accountable;<sup>1</sup> and

TREASURY OFFICE, *March 5<sup>th</sup>, 1781.*

The Board of Treasury having considered the Letter of the 27<sup>th</sup> of February last from Mr. Jonathan Bryan referred to them by Congress beg leave to report,

<sup>1</sup> Up to this point this report is in the *Papers of the Continental Congress*, No. 136, V, folio 149.

another in favour of Jonathan Bryan for one hundred and ninety-three dollars and one-third of a dollar specie, equal to forty-three pounds ten shillings sterling, which added to a like sum received by the order of the Board of Treasury, of the 29 of November, 1780, on account, in compliance with a resolution of Congress, of the 25 of the same month, is in full for two boats furnished by the said Jonathan Bryan for the use of the army service in the southern department.

The Board further report, upon the Letter of Benjamin Stoddert, late Secretary in the War Office referred the 2<sup>d</sup> inst.;

That Mr. Stoddert's Claims against the Publick being of a special nature cannot be settled at the Treasury.<sup>1</sup>

*Ordered*, That the Board of Treasury, at their request, be discharged of the letter, of 2, from B. Stoddert, and that it be referred to a committee of three.

The members, Mr. [James Mitchell] Varnum, Mr. [William] Few, Mr. [Daniel] Carroll.<sup>2</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 143.

<sup>2</sup> The committee made the following report, in the writing of James Mitchell Varnum, but it does not appear to have been acted upon. It is in the *Papers of the Continental Congress*, No. 78, XXI, folio 33:

The Committee to whom was referred the Letter of Stoddard, beg Liberty to report the following Resolutions— (Viz)

*Resolved*, That all officers in the Line of the federal army who have been regularly discharged from the Service, by their Resignations being accepted by Congress, the Commander in Chief, or the Commander of a separate Department, since the first day of January A. D. 1777, be intitled to Depreciation upon their Wages, in the same manner as Officers retiring as Supernumeraries.

*Resolved*, That the Legislatures of the respective States be requested to cause the Accounts of all Officers of the foregoing Description formerly belonging to the Line of their States, to be adjusted, and transmit the Ballances due to each, up to the Time of Discharge from the Army, to the Board of War.

*Resolved*, Upon the Ballances being finally liquidated, certificates shall be issued, payable to the Persons in whose favor they shall be drawn, or Order, on or before the first Day of January A. D. 1784, with an Interest of six per cent per annum from the Time when such Ballances became due.

*Resolved*, That the Depreciation of Officers not attached to the Line of any particular State, be adjusted by the Board of Treasury.

*Resolved*, That the Table of Depreciation adopted by Congress up to the Eighteenth Day of March A. D. 1780, be considered as the Standard of Computation, and that the Ballances be ascertained in Specie Dollars.

A report from the Board of War was read, enclosing two letters from the governor of Maryland:

WAR OFFICE *March 6, 1781*

SIR,

The Board beg leave to lay before Congress a letter received from his Excellency Governor Lee of Maryland. The Gentleman who is proposed as the subject of the appointment was a Captain in the late Rawlins's regiment and received from the State the appointment of Lieutenant Colonel of their additional regiment after his having resigned his Captaincy. He never did any duty in the regiment which was broke up and the Non Commissioned Officers and privates drafted into their old regiments. As the case is somewhat singular and may establish a precedent if the request of the executive of Maryland is complied with, the Board thought it best to have the sense of Congress thereupon for their government.

We also enclose for the directions of Congress to us copy of a letter from Governor Lee requesting commissions for four companies of Artillery. As the resolves of Congress respecting the arrangements of the present Army do not take notice of such a corps we have informed the Governor that we cannot comply with his desire without the express orders of Congress.<sup>1</sup>

Footnote—Continued.

The following motion, in the writing of John Sullivan, undated, is in the *Papers of the Continental Congress*, No. 36, IV, folio 371:

*Resolved*, That all officers and Soldiers who are now serving or who have Served in the army of the United States not having been annexed to the line of any State or had their depreciation made up, Such of them as belong to any particular State shall have their depreciation made up by such States respectively upon the principles adopted by them in Settling with the Troops of their respective States; and that such as are not Inhabitants of either of these United States shall have their Depreciation paid them out of the publick Treasury upon the same principles as the same was made up to the Troops of Hazen's Regiment.

*Resolved*, That the Depreciation in the Department of the Adjutant and the Inspector General be Settled upon the same principle and paid out of the Treasury of the United States.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 259. A letter of March 8 from the Board of War was as follows. It is on folio 263:

In a report on the subject of Lt Col Lawson Smith's Commission we from a misapprehension informed Congress "*That he never did any duty in the regiment.*" We have been since informed that Colonel Smith marched with the regiment and joined the Southern Army. We think it our duty to mention this to Congress lest any mistake of ours should have influence in the determination upon that Gentleman's case.

*Ordered*, That the same be referred to a committee of three:

The members, Mr. [Daniel] Carroll, Mr. [Theodorick] Bland, Mr. [James Mitchell] Varnum.

Another report from the Board of War was read; Whereupon,

*Ordered*, That the Board of War draw a warrant in favour of Captain Andrew Nixon of the first regiment of light dragoons, on the paymaster general, for three months' pay and subsistence equal to one hundred and eighty dollars in the bills emitted under the act of Congress of the 18 March, 1780, on account, the resolution of the 4 January notwithstanding.

And whereas the Board of War have represented, that it hath been too much a practice of the commanding officers of regiments, to send their officers to this place on commands that are out of the line of their duty, which is not only expensive to the public and the officers, but appears to the Board altogether unnecessary:

That the Board be informed the United States in Congress assembled, highly disapprove such practice; and that the Board take measures not only to discourage it in future, but that all such officers join their respective corps immediately.<sup>1</sup>

A letter, of 6, from the Board of War, was read, enclosing a letter of 20 May, 1780, from Messrs. Penet & Co., whereby it appears that the contract entered into with them for the manufacturing of arms, is entirely at an end, from a failure on their part.<sup>2</sup>

The consideration of the report of the committee on the letters from Governor Clinton, &c., was resumed; and, after debate;

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 235.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 147, VI, folio 227.

WAR OFFICE March 6<sup>th</sup> 1781

SIR.

The Board in considering the reference with which they were honored by Congress on General Washingtons letter of the 27<sup>th</sup> ultimo beg leave to observe that on the 15 day of February last an estimate for mounting and equipping Sheldons and Moylans Legionary Corps amounting to 115,957 $\frac{1}{2}$  dollars of the new emission was reported to Congress. The enclosed estimate amounting to 51,464 dollars in the same money contains such part of the former estimate as is wanted for Moylans legion and unless that sum can be furnished the Board conceive it is not in their power to give any orders for equipping those Cavalry that can be executed.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

## THURSDAY, MARCH 8, 1781

The Board of Admiralty delivered in a report, which was read:

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [William] Sharpe, Mr. [James] Duane.

The committee on the letter, of 24 February, from E. Forman;

The committee on General Washington's letter, of 20 December, 1780; and

The Committee to whom Gen<sup>l</sup> Washington's letter of the 20<sup>th</sup> of December was referred beg leave to report the following resolutions—

*Resolved*, That Battallion promotions in the Infantry, to the rank of Commanding Officer inclusive, where such Battallion is annexed to any State, shall be in the Line of such State;

That in Regiments of Infantry not annexed to particular States, promotions to the rank of Commanding Officer inclusive, be Regimental;

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 239. It was read on this day, as the indorsement indicates. A further indorsement says: "August 23<sup>d</sup>, 1781, not to be acted upon."

A letter of February 23<sup>d</sup> from Major General Steuben to the Board of War was read on this day, the indorsement states. It is in the *Papers of the Continental Congress*, No. 164, folio 218.



That Regimental promotions in the Artillery to the rank of Commanding Officer inclusive, shall be in the Line of Artillery at large;

That Regimental promotions in the Cavalry to the rank of Commanding Officer inclusive, shall be in the Line of Cavalry at large.

With respect to promoting Battallion Officers to the rank of Brigadiers, your Committee beg leave to report as their opinion, That such promotions if confined to States that furnish one or more Brigades, will exclude the smaller States, and of course destroy all pretensions to promotions by officers of such States, whatever may be their pretensions arising from seniority. That permitting them to take place among the States in rotation will be no less injurious. And that promotions from the eldest Battallion Officers in the Army, will not only be injurious to officers belonging to the larger States, but will have a tendency to place troops coming from one extreme of the Continent under the command of a Brigadier coming from another, who cannot be so well acquainted with the temper and disposition of the Troops as an officer taken from among themselves.

To prevent these inconveniences, your Committee have thought proper to confine the promotion of Brigadiers to certain districts, in each of which, Brigadiers when wanting shall be made from the Senior Battallion Officer of that district, without regard to any particular State. And they beg leave to submit the following Resolution, viz.

*Resolved*, That so far as respects the promotions of Battallion Officers to the rank of Brigadiers, the States of New Hampshire and Massachusetts be considered as making four Brigades

Rhode Island and Connecticut two Brigades

New York, New Jersey and Hazen's Regiment two Brigades

Pennsylvania two Brigades

Delaware and Maryland, two Brigades

Virginia and North Carolina four Brigades

South Carolina and Georgia one Brigade

*Resolved*, That whenever a Brigadier shall be wanting for the Troops of either of those districts, he shall be made from the senior Battallion Officer, without regarding the State to which he belongs;

*Resolved*, That in the Cavalry and Artillery, Brigadiers shall be made from the eldest Regimental Officers in those Corps respectively;

*Resolved*, That Major Generals shall be made from the eldest Brigadiers in the army, whether belonging to the Infantry, Cavalry or Artillery;

*Resolved*, That all Brigadiers hereafter made, shall take relative rank agreeable to the date of their last Battallion Commissions;

*Resolved*, That Tench Tilghman receive the commission of Lieutenant Colonel to take rank from the       day of

*Resolved*, That Doctor McHenry receive the commission of Major to take rank from the       day of

*Resolved*, That officers not annexed to any Line, serving in the family of the Commander in Chief, and those serving as Aids de Camp with other general officers, retain the same rank they now hold, and shall be entitled to promotion when they become the eldest officers of that Rank in the Line of the Army.

~~*Resolved*, That officers reduced by the late arrangement, may at any time previous to the first day of Jany next, exchange commissions with officers of the same State, and of the same rank in the army under the direction, and with the approbation of the Commander in Chief~~

*Resolved*, That Volunteers serving one campaign, may with the approbation of the Commander in Chief, receive Brevet Commissions in the lowest grade of subalterns, not to receive pay till placed in command, and shall not be entitled to half pay for life, till annexed to some Line.

All officers not connected with Corps, and now entitled to rank in the army by this arrangement, shall be considered as reduced and receive half pay, so long as they reside within the United States, or owe allegiance to the same.

*Resolved*, That the Commander in Chief may employ such reduced officers as he shall think proper in the military staff, or in the Inspectors Department, who are constantly to attend their duty in the army.

*Resolved*, That all officers who are Hostages, and are liable to be called for by the enemy, and are not continued in the Line of any State shall be entitled to their full pay until redeemed, and to half pay for life afterwards in the same manner as officers of equal rank reduced by the late arrangement; and that it be recommended to the respective States, in the Line of which they were at the time of their becoming Hostages, to make good to them their depreciation, and also to pay them such sums as are, or may become due to them, and charge the same to the United States.

*Resolved*, That Col. Dayton of the Jersey Line be promoted to the rank of Brigadier in the army of the United States.<sup>1</sup>

<sup>1</sup> This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, VI, folio 337.

The committee on Major General Greene's letter; delivered in their respective reports.

The United States in Congress assembled were resolved into a Committee of the Whole, and after some time the President resumed the chair, and Mr. [John] Mathews reported that the committee have had under consideration the letter and papers to them referred, but not having come to a conclusion desire leave to sit again:

#### IN COMMITTEE OF THE WHOLE

On the subject of finance.

Papers read.—The letter of T. Pickering, quartermaster general, March 3, 1781, on the subject of salary and certificates, payable in specie or other money equivalent.

Resolution, August 23, 1780, respecting issuing certificates.

“ Sept. 25, Explaining *equivalent*.

“ “ 26, Reconsidered.

“ Nov. 22, Recommitted.<sup>1</sup>

*Ordered*, That to Morrow Congress be resolved into a Committee of the Whole, to consider farther the letter from T. Pickering, quartermaster general, and other papers on finance.

Adjourned to 10 o'Clock to Morrow.

#### FRIDAY, MARCH 9, 1781

A memorial of Charles Phile was read;<sup>2</sup> Whereupon,

*Resolved*, That the order, of the 6, to the Board of Admiralty, to give orders for discharging from confinement, John

<sup>1</sup> This memorandum of proceedings was entered only in the manuscript Secret Journal, No. 8.

<sup>2</sup> This memorial, dated March 8, 1781, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 168.

Goodwin and others therein mentioned, on certain conditions, be and hereby is repealed.

On motion of Mr. ~~Sullivan~~ [John] Mathews, seconded by Mr. ~~Mathews~~ [Richard] Howly:

*Resolved*, That the resolution of the 7th, respecting a compensation for the staff of the army, be reconsidered and re-committed.

The report of the committee on General Washington's letter, of 20th, was read:

*Ordered*, That it be re-committed, and that the committee consult the Commander in Chief on the subject.

The report of the committee on Major General Greene's letter was taken into consideration, and thereupon the following resolutions were passed:

The United States in Congress assembled, considering it as a tribute due to distinguished merit to give a public approbation of the conduct of Brigadier General Morgan, and of the officers and men under his command, on the 17th day of January last; when with eighty cavalry, and two hundred and thirty-seven infantry of the troops of the United States, and five hundred and fifty-three militia from the States of Virginia, North Carolina, South Carolina, and Georgia, he obtained a complete and important victory over a select and well appointed detachment of more than eleven hundred British troops, commanded by Lieutenant Colonel Tarleton; do therefore resolve,

That the thanks of the United States in Congress assembled, be given to Brigadier General Morgan, and the officers and men under his command, for their fortitude and good conduct, displayed in the action at the Cowpens, in the State of South Carolina, on the 17th of January last:

That a Medal of Gold be presented to Brig<sup>er</sup> Gen<sup>l</sup> Morgan representing on one side the action aforesaid particularising his numbers, the numbers of the enemy, the numbers of killed, wounded and

prisoners and his trophies ~~with the inscription patria virtutis~~ [undecipherable], and on the other side ~~his bust with his name and this inscription: Ipse agmen~~ the figure of the General on horseback leading on his troops in pursuit of the flying enemy, with this motto in the Exergue ~~Fortus Fortuna Juvat~~ *Virtus Unita Valet*.

That a medal of gold be presented to Brigadier General Morgan, and a medal of silver to Lieutenant Colonel W. Washington, of the cavalry, and one of silver to Lieutenant Colonel Howard, of the infantry of the United States; severally with emblems and mottos descriptive of the conduct of those officers respectively on that memorable day:

That a sword be presented to Colonel Pickens, of the militia, in testimony of his spirited ~~decisive and magnanimous~~ conduct in the action before mentioned:

*Resolved*, that a sword be presented to Lieutenant Colonel Howard of the infantry, and one also to Lieutenant Colonel Washington of the Cavalry ~~of the federal army each, that their names may be transmitted honourably to posterity renowned for public virtue and as testimonies of the high sense entertained by Congress of their martial accomplishments.~~

That Major Edward Giles, aid-de-camp of Brigadier General Morgan, have the brevet commission of a major; and that Baron de Glasbeech, who served with Brigadier General Morgan as a volunteer, have the brevet commission of captain in the army of the United States; in consideration of their merit and services.

*Ordered*, That the commanding officer in the southern department, communicate these resolutions in general orders.

~~*Resolved* that a gold medal be presented to Lieutenant Colonel William Howard of the infantry of the army of the United States representing on one side the charge ordered and conducted by him in that critical moment when the enemy were thrown into disorder with this inscription~~<sup>1</sup>

<sup>1</sup> This report, in the writing of a clerk, except the last paragraph, which is in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 19, 1V, folio 169. On folio 173, in Burke's writing, is the following:

A report from the Board of Admiralty was read:

*Ordered*, That the committee appointed to confer with the hon<sup>ble</sup> the Minister of France be and hereby are instructed to confer with him relative to the destination of the frigate *Ariel*.

A report of the Board of War was read; Whereupon,

WAR OFFICE *March 8<sup>th</sup> 1781*

SIR,

It is with reluctance the Board so often trouble Congress on business that first blush appear to be under their particular direction, but when it is considered that there is no Financier to report to, as directed in the present system, and that the Board have not the means for transportation in their hands, they flatter themselves Congress will pardon their frequent applications, the more especially as they are conscious their conduct is dictated by no other motive, than a zeal for the public good, and upon the foregoing principle. do themselves the honor to lay before Congress a letter from Colonel Febiger, with the estimate aforesaid and beg leave to observe, that if the waggons are hired, it will take at least three months for them to go and return at 25/ each per day in the new bills, which is the least sum they can be hired for, and will amount to 1,500 dollars; one third of which sum must be advanced before they will leave the City, to which there will be the additional expence of forage and shoeing of horses &c which expences are so uncertain, that it is imprac-

The Committee to whom was recommitteed the paragraph of the report relative to L<sup>t</sup> Col<sup>l</sup> Howard and Washington report,

That a Medal of Silver be presented to L<sup>t</sup> Col Howard representing on one side the enemy's Army just thrown into disorder by the fire from the line under his Command, and the latter instantly charging, victory hovering over both Armies and dropping a branch of Laurel to be instantly snatched by L<sup>t</sup> Colonel Howard, with this Motto—*occasione [arupta?]*

On the other side this inscription—

"In honor of the prompt and decisive conduct ~~and gallantry~~ of L<sup>t</sup> Col Howard in the ~~action of the~~ victory obtained at the Cowpens 17<sup>th</sup> of January 1781."

That a Medal of Silver be presented to L<sup>t</sup> Col Washington representing on one side, the charge made by him on the enemy's Cavalry, they wheeling, he charging; under his party the figures 80 under the enemy 250, with this Motto.—

*Virtute non Numeris ~~valde~~*

On the other side this inscription

"In honor of the gallant behaviour of L<sup>t</sup> Col W<sup>m</sup> Washington in the Action of 17<sup>th</sup> January 1781."

ticable for the Board to form an estimate of with any kind of precision, but must be very considerable. Upon full consideration of the foregoing expence and conviction, that waggons are as much wanted for the use of the Southern Army as the Stores now ordered there, we have taken the liberty to enclose to Congress for their information an estimate of the Money necessary to enable the Board to order all the Stores contained in Colonel Febiger's estimate forward by public teams, amounting to 22,586 dollars in the new bills; at the same time we beg leave to observe, that the Stores will be detained at least fifteen days longer if money is granted, to purchase than to hire the Teams, all which is humbly submitted with this remark, That it is not in the power of the Board to move the Stores unless money is furnished, and then wait the determination of Congress to point out the Mode to be adopted which shall be immediately carried into execution, so far as shall be in their power.

The Board beg leave further to observe that they did themselves the honor on the 12<sup>th</sup> day of February last, to report to Congress an estimate for 590 dollars to enable Colonel Miles D<sup>r</sup> Quarter Master to forward a part of the aforementioned Stores, for which a Warrant was granted, but the money not yet obtained, and the quantity of Stores much increased. The money wanted for the clothier's department as mentioned by Colonel Febiger hath been reported to Congress by the Board of Treasury some time since.<sup>1</sup>

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Joseph Carleton, paymaster of the Board of War and Ordnance, for forty thousand one hundred and forty dollars in bills emitted pursuant to the act of Congress of the 18 March, 1780, for the purpose of conveying stores to the southern army.

*Ordered*, That the committee to whom was referred the letters from the governor and the president of the senate and speaker of the house of assembly of the State of New York, report to Morrow a draught of an answer to the governor aforesaid.

A letter from Robert Patten was read: <sup>2</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 273.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 41, VIII, folio 118.

*Ordered*, That it be referred to the Board of Treasury to take order.

The committee appointed to estimate the debts due from the United States delivered in some farther estimates:

*Ordered*, That they be referred to the Committee of the Whole.

Congress was resolved into a Committee of the Whole, and after some time the President resumed the chair, and Mr. [John] Mathews reported that the Committee have had under consideration the matters to them referred, and have made some progress, but, not having come to a conclusion, desire leave to sit again:

*Ordered*, That to Morrow Congress be resolved into a Committee of the Whole, to consider farther the reports on finance and other papers referred to them.

Adjourned to 10 o'Clock to Morrow.

**SATURDAY, MARCH 10, 1781**

A letter, of 25 February, from E. Blaine, commissary general, was read.<sup>1</sup>

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That the following warrants issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania: one in favour of Mr. [John] Sullivan, a delegate for the State of New Hampshire, for fifteen thousand dollars old emissions, for which the State of New Hampshire is to be accountable:<sup>2</sup>

One in favour of Mr. [William] Sharpe, one of the delegates for the State of North Carolina, on his application, for twenty

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 165, folio 341.

<sup>2</sup> This paragraph is in a report in the *Papers of the Continental Congress*, No. 136, V, folio 161.



thousand dollars old emissions, for which the State of North Carolina is to be accountable:<sup>1</sup>

TREASURY OFFICE, *March 7th, 1781.*

The Board of Treasury having considered the Memorial of Captain Ebenezer Greene, of the 31st of January last, one of the Hostages left in Canada for the Capitulation at the Cedars referred to them by Congress the 5th instant, beg leave to represent,

That on the 25 of February 1780, the Board reported to Congress upon a Memorial of the aforesaid Ebenezer Greene dated the 21st of the same Month which had also been referred to them by Congress, wherein was exhibited an Account for Support in Canada and Expences on several Journeys in order to effect his Exchange.

In that Report the Board set forth—that as no Rule had been laid down by Congress to determine what Allowances should be made to Hostages for their Expences &c., the sum of seven thousand dollars be advanced to Captain Greene to enable him to return to New York, for which sum he was to be accountable; which Report was accepted by Congress as appears by their Resolution of the 26 of February 1780; and Capt Greene's Memorial with his Papers relative to the claim aforesaid were returned to Congress and it is presumed lay in the Secretary's Office.

The Board are of Opinion upon the Memorial and Claim now before them, that the same ought to be settled, and that the sum due to Capt. Green ascertained, as also his Claim under his Memorial of the 21 of Feby 1780, and for this Purpose the whole of his Papers and Claims be referred to the Board of War, who from the Nature of the Case must be the most competent to give the best Information to Congress.

That on the application of Richard Phillips Steward to the President of Congress, a Warrant issue in his favor for 15,000 dollars of the old Emissions for the use of the President's Household on Thos. Smith Commissioner of the Continental Loan Office for the State of Pennsylvania, and for which sum the said Steward is to be accountable.

TREASURY OFFICE, *March 8, 1781.*

The Board of Treasury beg leave to report,

<sup>1</sup> This paragraph is in a report in the *Papers of the Continental Congress*, No. 136, V, folio 159.

One in favour of Mr. [Thomas] Bee, a delegate for the State of South Carolina, on his application, for thirty thousand dollars of the old emissions, for which the said State of South Carolina is to be accountable:<sup>1</sup>

And one in favour of Robert Patton, messenger, for three thousand two hundred dollars of the old emissions ~~to enable him to purchase fire wood for the use of Congress~~ for incidental expences, for which he is to be accountable.<sup>2</sup>

*Ordered*, That the committee appointed to confer with the hon<sup>ble</sup> the Minister of France communicate to the Board of Admiralty the result of their conference respecting the frigate *Ariel*, and that the Board take order thereon.

On motion of Mr. [James] Duane, seconded by Mr. [John] Mathews,

*Resolved*, [That for the more convenient support of the household of the President of Congress, the steward lay before the Board of Treasury, or Superintendent of Finance, an estimate of the expenses of the said household once every quarter, which being approved by the Treasury or Superintendent, a warrant shall issue, by the authority of the said Board, or Superintendent, on the treasurer of the United States, or any one of the commissioners of the continental loan-offices, for the amount, payable to the steward of the President's household, for which advances the said steward shall account quarterly; and the auditor general shall half-yearly lay before Congress an account of the expenditures of the said household].<sup>3</sup>

According to the order of the day the house was resolved into a Committee of the Whole, and after some time the

<sup>1</sup> The report of March 7 and 8 is in the *Papers of the Continental Congress*, No. 136, V, folio 153. It is indorsed: "Part passed. August 23<sup>d</sup> 1781 Referred to the Board of War."

<sup>2</sup> This paragraph is in a report in the *Papers of the Continental Congress*, No. 136, V, folio 159.

<sup>3</sup> The paragraph in brackets was entered by George Bond.

President resumed the chair and Mr. [John] Mathews reported that the Committee have proceeded in their consideration of the matters referred to them, and made some farther progress, but not having come to a conclusion desire leave to sit again:

*Ordered*, That on Tuesday next the United States in Congress assembled be resolved into a Committee of the Whole, to consider farther the reports on finance and the other papers referred to that committee.<sup>1</sup>

Adjourned to 10 o'Clock on Monday.

MONDAY, MARCH 12, 1781

A letter, from Major General A. McDougall, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. M[eriwether] Smith, Mr. [John] Mathews, Mr. [James Mitchell] Varnum.

A letter, of February 5, from Doctor Jon<sup>a</sup> Arnold, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 8, from John Nicholson, a clerk of the chamber of accounts, was read, desiring leave to resign his office, as he is appointed one [of] the auditors for settling the accounts of the troops of the Pennsylvania line:

*Ordered*, That his resignation be accepted.

A letter, of 9th, from E. Foreman and J. Gibson, was read.<sup>3</sup>

A memorial, signed James Wilson, by order of the United Illinois and Ouabache companies, was read:

*Ordered*, That it be referred to the committee on the resolution of October, together with the acts and resolutions of the State of New York and the Commonwealth of Virginia.

<sup>1</sup> A letter of this date with estimates from the Board of War was read according to the indorsement. It is in the *Papers of the Continental Congress*, No. 148, I, folio 329.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 161, folio 135.

<sup>3</sup> Arnold's letter is in the *Papers of the Continental Congress*, No. 78, I, folio 399; Nicholson's is in No. 78, XVII, folio 111; Forman and Gibson's is in No. 78, X, folio 307.

A memorial of John Patton, Curtis Grubb, George Ege and Robert Coleman, iron masters, was read;<sup>1</sup> Whereupon,

Congress took into consideration the report of the Board of Treasury, of the 5, and after debate thereon:

*Ordered*, That it be referred to a committee of three:

The members, Mr. M[eriwether] Smith, Mr. [Thomas] Burke, Mr. [James] Lovell.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

**TUESDAY, MARCH 13, 1781**

A letter, of February 18th, from Colonel D. Broadhead, with a copy of a letter enclosed, signed Wm. Penn at Wylapacheechon, was read:<sup>3</sup>

*Ordered*, That the same be referred to the Board of War, to report a state of the western department and their opinion thereon.

A petition of Major Holmer was read:<sup>4</sup>

*Ordered*, That it be referred to the Board of War to take order, the resolution of the 4th of January notwithstanding.

A letter from Wm. Davies, colonel 1st Virginia regiment, with a representation from the field officers of the Virginia line enclosed, was read:

*Ordered*, That the same be referred to the Board of War, to report a state of facts and their opinion thereon.

A letter from J. Bradford was read:<sup>5</sup>

*Ordered*, That it be referred to the Board of War.

According to the order of the day the house was resolved into a Committee of the Whole, and after some time the President resumed the chair, and Mr. [John] Mathews re-

<sup>1</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, VIII, folio 144.

<sup>2</sup> From this point the entries are by George Bond.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 81.

<sup>4</sup> This petition is in the *Papers of the Continental Congress*, No. 42, III, folio 401.

<sup>5</sup> Davies' letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 365; that of Bradford is in No. 78, IV, folio 125.

ported that the Committee have made some farther progress in the matters referred to them but not having come to a conclusion desire leave to sit again:

IN COMMITTEE OF THE WHOLE.

*Resolved*, That in the discharge of all this requisition, as well as those made by Congress on the 26th August and the 4th November, on the states, for  
 Amended        defraying the expences of the war, except those for sinking the bills emitted by Congress prior to the 18th March, the bills of credit emitted pursuant to the said resolutions of the 18th of March last, shall be received at the treasury of the United States as equal to and in lieu of the like sum of specie, whether the same shall have been issued by the states paying them, or by any other State; and that interest be computed thereon in favour of the states from whom such bills shall be received, to the time assigned for discharging the several requisitions respectively.<sup>1</sup>

*Ordered*, That to Morrow the United States in Congress assembled be resolved into a Committee of the Whole, to consider further the reports on finance and other papers referred to that Committee.

Adjourned to 10 o'Clock to Morrow.<sup>2</sup>

WEDNESDAY, MARCH 14, [1781]

A letter, of 13, from R. Morris, was read:<sup>3</sup>

*Ordered*, That it be taken into consideration to Morrow.

A report from the Board of Treasury was read; Whereupon,

<sup>1</sup> This resolution was entered only in the manuscript Secret Journal No. 8.

<sup>2</sup> From this point Thomson resumes the entries.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 1.

*Ordered*, That on the application of Mr. R[ichard] Howly, one of the delegates for the State of Georgia, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for twenty thousand dollars of the old emissions, for which the State of Georgia is to be accountable.<sup>1</sup>

A report from the Board of War was read; Whereupon,

WAR OFFICE *March 10<sup>th</sup> 1781*

SIR.

The Board beg leave to lay before Congress an account exhibited by Lt Skinner, for his expences on command for one month by order of Lt Col Lee and for the residue of the time in virtue of express orders of Congress. Three dollars were allowed officers per day when on command at a time when those dollars were equal in value to the dollars of the new emissions. We also transmit a request for an additional sum in consideration of his having drawn no rations or forage but for a short time. These charges, however great they may seem, will not clear his expences, as he has supported himself and his horses. And as he was for the greater part of the time expressly ordered to stay at Philadelphia by Col Lee, in virtue of an order of Congress it should seem that Payment cannot be avoided. The Board therefore are of opinion that five hundred and eighty two dollars be paid him for his expences on command and if Congress think any additional sum should be given—they will please to do it. It will take at least twenty days for Mr Skinner to perform his journey to the Legion which in the whole will make 642 dollars; he also desires three months pay may be advanced him. We therefore beg leave to report—

That the Board of War be authorized and directed to draw warrants on the paymaster Gen<sup>l</sup>, the Resolution of the 4<sup>th</sup> January last notwithstanding, for six hundred and fortytwo dollars in bills of the new emission in favor of L<sup>t</sup> Alex<sup>r</sup> Skinner: of Lt Col Lee's legion for his expences on command and also for three months Pay and subsistance equal to one hundred and fifteen dollars in bills of the new emissions.<sup>2</sup>

*Ordered*, That the Board of War draw on the paymaster general in favour of Lieutenant Skinner, of Lieutenant

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 175.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 19, V, folio 347.

Colonel Lee's legionary corps, for one hundred and fifteen dollars of the new emissions, being for three months' pay and subsistence:

*Ordered*, That the remainder be referred to a committee of three:

The members, Mr. [Theodorick] Bland, Mr. [James Mitchell] Varnum, Mr. [John] Mathews.

A report from the committee on the letter from B. Stoddert was read; Whereupon,

The Committee to whom was referred the letter of Benj<sup>a</sup> Stoddert report—

That having examined his accounts find that he has acted as Secretary for the Board of War, one year 5 months and 14 days, that he has received on account calculating agreeable to the Table of depreciation as far as it goes, and at the real exchange afterwards 1313 dollars—

That there appears to be a balance due him of 870 dollars, which calculating the real difference between State money of Pennsylvania and specie would amount to 1390 State dollars, but the present exigency of his affairs are such that he is willing to receive a warrant on Tho<sup>s</sup> Smith for 870 dollars in full—

Should that be the sense of Congress they will resolve

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Benjamin Stoddert, late secretary to the Board of War, for eight hundred and seventy dollars new emission. ~~in full of all claims he may have against the United States.~~<sup>1</sup>

On motion of Mr. [Artemas] Ward, seconded by Mr. [James] Duane:

*Ordered*, That a committee of three be appointed to prepare a recommendation to the states for setting apart a day of humiliation, fasting and prayer:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 19, V, folio 437.

The members, Mr. [James] Duane, Mr. [Jesse] Root, Mr. [James] Madison.

A letter, of 8th, from James Hamilton, brigadier general of the Convention troops, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War, and that they confer with Colonel J. Wood, who brought the same.

According to order the House was resolved into a Committee of the Whole and after some time the President resumed the chair, and Mr. [John] Mathews reported that the Committee have had under their farther consideration the reports and papers referred to them and made some farther progress, but not having come to a conclusion desire leave to sit again:

IN COMMITTEE OF THE WHOLE.

*Resolved*, That the certificates issued by the commissary and quartermaster general, under the authority of Congress, in pursuance of the resolution of 23d

*Negatived.* August last, to be paid in specie or other

money equivalent, shall be received from the states within which the same shall have been issued, towards the discharge of their quotas respectively; and that interest be computed thereon in favour of such states to the time assigned for discharging such quotas.

That the respective states make exact returns to the Board of War by the first day of June next, of all articles by them supplied, agreeably to the resolution of the 25 day of February, 1780.

That the United States in Congress assembled will then call upon the deficient states for the full amount of their deficiencies in value, to be paid into the treasury of the United States by the first day of September, 1781; ~~and the product thereof shall be appropriated to make~~

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XII, folio 129.



~~good the deficiency that may arise by receiving the certificates of the commissary and quartermaster general, in payment of taxes for the current year; but if there shall happen to be an overplus, it shall be credited in a just proportion to the states in advance toward their payment of the last quarterly tax for the current year.~~<sup>1</sup>

Ordered, That to Morrow the United States in Congress assembled be resolved into a Committee of the Whole, to consider farther the reports on finance and other papers referred to them.

The committee on the motion of the delegates for Pennsylvania respecting the Convention prisoners:

The Committee to whom was referred the motion for removing the German Prisoners in Virginia &c. to some State Eastward of Pennsylvania—

Report, That they have considered the motion and the reasons for and against the measure and are of opinion, that there are no sufficient reasons, for Congress to make any alteration in the Resolution of the 3<sup>d</sup> Inst. respecting said Prisoners at present.<sup>2</sup>

The committee on Doctor B. Binney's letter, of 20 February:

The Committee to whom was referred the letter of Doctor B. Binney on the 22<sup>d</sup> Feby. report, That Doctor Binney's services are useful and necessary in the medical department, and that he ought to be retained in that department,

That it is the opinion of the Committee Doctor Binney should immediately repair to the State of Virginia, according to the order he hath received from the Director General of the hospitals; and that an order issue to the Treasury to furnish on account the sum of forty thousand dollars of the old emissions of Congress, to enable him to bear the expences of himself and two Mates, and to establish and furnish hospitals in the said State.<sup>3</sup>

<sup>1</sup> This resolution was entered only in the manuscript Secret Journal, No. 8.

<sup>2</sup> This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 20, II, folio 115. It is indorsed: "August 24, 1781, not to be acted upon."

<sup>3</sup> This report, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 19, I, folio 361. It is indorsed: "Aug. 24, 1781, not to be acted upon."

The committee on the memorial of Mat. McConnel, &c.; and,

The Board of Admiralty, to whom was referred the petition of Du Maine & Lion; delivered in their several reports.

The Board of Admiralty to whom the Petition of Dumaine & Lion was referred beg leave to report,—

That it appears by the Certificate which accompanies this Report that Nicholas Malescot and Samuel Waters, the persons mentioned in said Petition in August and September 1779, received Commissions, the former as Commander of the armed Brigantine *Vigilant*, and the latter as Commander of the Brigantine *Brilliant* from the Council of the State of Massachusetts.

That it appears from the allegations of the Petitioners that the *Brilliant* was so disabled by tempestuous weather in her passage to Guadaloupe, that the merchant there to whom she was consigned thought proper to sell her, reserving her long-boat, which with the Captain and the crew of the *Brilliant* were taken on Board the *Vigilant* in order to be carried to Boston in the State aforesaid, both the Brigantines being owned by the same persons.

That Capt. Malescot continued sick at Guadaloupe, and the Command of the *Vigilant* (as Mr James Veillon attorney to Dumaine & Lion hath declared to the Board) was given to Capt. Billat, who was Lieutenant of said Brigantine *Vigilant* and took with him the Commission given to Capt. Malescot as the said Veillon to said Board also declared.

That the Petitioners further set forth that the *Vigilant* on her passage to Boston aforesaid, meeting with adverse winds tempestuous weather and one of the Enemy's cruisers, was driven from her course and so disabled as to be obliged to put into the Island of Teneriffe to refit. That after refitting Capt. Billat sailed for Boston and soon met with a British Merchant Vessel. That Capt. Waters with his crew in the long-boat beforementioned Captured the said Vessel, and carried her into the Island of Teneriffe, where she was condemned and sold as lawful prize.

That the French Consul in that Island claimed the prize in behalf of his Most Christian Majesty; and thereupon the court there decreed, that the amount of Sales should remain deposited, until the court of Spain should have decreed in the premises—and thereupon the Petitioners pray that Congress will be pleased to direct their Minister

Plenipotentiary at the Court of Madrid to obtain an order from the Spanish Court, for the payment of the amount of sales of said prize in behalf of the Captains Officers and Crews and Owners of the Brigantine *Brilliant*.

The Board would add to this stating of the case, that the said attorney James Veilon informed them that at the time the Commissions referred to in the Certificate were granted the Petitioners Du Maine & Lion were not become residents in Boston in the State aforesaid, and therefore it was that their friends M<sup>r</sup> James McDuff & Compy. appeared as owners of the said Brigantines when in fact the property was in Du Maine & Lion.

Upon the Stating the case the Board beg leave to Report, as their opinion, that as the prize mentioned in the Petition was captured under Commissions of the United States of America, the claim of the French Consul was not well founded, and that the owners of the Brigantines *Brilliant* and *Vigilant* (who are the same persons) and the Captors are undoubtedly intitled to the whole amount of said prize, but as it may be made a question who were the Captors, whether Capt. Waters and his crew and Captain Billat and his crew conjointly, or the Captains and their crews separately considered. If the Honorable Congress should be of the above opinion, the Board would with submission propose,

That the Minister Plenipotentiary of these States should be directed to represent this matter to the Court of Spain, and take such measures as he may judge expedient to obtain an order to the Judge of the Admiralty at Teneriffe, to deliver the whole amount of sales of the prize captured and condemned as aforesaid to the owners of the Brigantine *Brilliant*, their agent or attorney for the use of the said owners, and the Captors.

In this way the Board conceive due respect may be paid to the Commission of Congress, and justice done to the Petitioners and Captors leaving Waters and Billat and their crews to decide as they think proper, who are entitled to a part of the Prize as Captors.

ADMIRALTY OFFICE

10th March, 1781.<sup>1</sup>

Adjourned to 10 o'clock to morrow.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 37, folio 359.

THURSDAY, MARCH 15, 1781

A letter, of 8th, from the governor of Connecticut, was read, enclosing an act passed by the legislature of that State, vesting in Congress, for a limited time, a power to levy and collect duties and imposts within that State, for the purposes mentioned in the act of Congress of 7th February:

*Ordered*, That the same be referred to a committee of three: the members, Mr. [Oliver] Wolcott, Mr. [James] Duane, Mr. [Samuel] Adams.

A letter, of 12, from Charles Pettit, assistant quartermaster general, was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James] Duane, Mr. [Thomas] Bee, Mr. [Jesse] Root.

A letter, of 13, from the Board of War, was read, enclosing an estimate of quartermaster stores wanted for the ensuing campaign:<sup>2</sup>

*Ordered*, That the same be referred to a committee of three:

The members, Mr. [Theodorick] Bland, Mr. [Isaac] Motte, Mr. [Artemus] Ward.

A letter, of 28 February, from Major General Greene; and a letter, of 8th of the present month, from the governor of Virginia, were read.<sup>3</sup>

That three Commissioners with the same pay as is allowed to the Commissioners appointed for treating with the Northern Indians be appointed to treat with the Cherokees and all other Indians Southward of them within the Limits of the U. States, or who have been at war with them; for the purpose of making peace with them,

<sup>1</sup> The Connecticut letter is in the *Papers of the Continental Congress*, No. 66, II, folio 186; the act enclosed is in No. 75, folio 73; Pettit's letter is in No. 78, XVIII, folio 353.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 147, VI, folio 285. The estimate in No. 39, III, folios 431-440 and 447.

<sup>3</sup> The Virginia letter is in the *Papers of the Continental Congress*, No. 71, II, folio 53. Greene's is in No. 155, I, folio 580; he enclosed in it, for the information of Congress, a copy of his letter of the same date to General Washington, which is on folio 585.

receiving them into the favor and protection of the U. States and removing as far as may be all causes of future Contention or quarrels.<sup>1</sup>

The committee appointed to revise the rules for conducting business in the United States in Congress assembled; and

The committee to whom were referred the report of the Board of Treasury, of the 5th, and the memorial of J. Patton and others, ironmasters, delivered in their several reports.

The delegates for the State of Pennsylvania laid before Congress sundry resolutions passed by the general assembly of that State, respecting the Convention prisoners, which were read.

The letter from R. Morris was again read and considered, and, after debate:

Adjourned to 10 o'Clock to Morrow.<sup>2</sup>

<sup>1</sup> This motion, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 36, IV, folio 473. It is undated, but follows the information conveyed in the enclosure in Greene's letter of February 28 in No. 155, I, folio 585.

<sup>2</sup> The following motion, as the indorsement shows, by Theodorick Bland, seconded by [Meriwether] Smith, belongs to this period. It is in the writing of Bland and is in the *Papers of the Continental Congress*, No. 36, IV, folio 311:

Whereas the Congress of the United States did by their act bearing date the 18<sup>th</sup> day of March in the year 1780 and in the — year of our Independance  
**Postponed.** among other things therein contained declare that the Bills of Credit Issuing in persuance of the said act should bear an Interest of        p cent p<sup>a</sup> annum to be paid to the Holder thereof from the date of the said Bills; and whereas the respective states from various causes delayed to concur in the measures necessary to carry the salutary intentions of the aforesaid act into immediate Execution, whereby great embarrassments might ensue and great loss be sustained by the Citizens of these States in the payment of a very large sum for the Interest of the aforesaid Bills from the time of their Intended Issue, and thereby Burthening the public with a debt for which no value has or can be received, and whereas it has been found extremely inconvenient and almost impracticable in the Current passage of the said Bills to Calculate the Interest due thereon; whereby manifest injury must arise to the ignorant or incautious possessor while the more designing will reap an unequal advantage, be it therefore ordained by the United States in Congress assembled, and by the authority of the same it is hereby ordained, that from and after the 1<sup>st</sup> day of May, none of the said Bills shall Issue from the Treasury of the United States or from any of the Continental Loan Offices in the respective States on which any Interest shall be Calculated or be paid and for preserving the faith of the United States to the Holders of such Bills as have already Issued bearing Interest, and that a due distinction may be made between them and those which shall hereafter issue, it is hereby ordered that the Treasurer

FRIDAY, MARCH 16, 1781

A letter, of 14, from the governor of Maryland;

A memorial of the hon<sup>ble</sup> B. Franklin and S. Wharton: and

A memorial signed G. Morgan stiling himself "Agent for the Indiana proprietors"; and

A letter, of 14, from E. Forman, were read.

A letter, of 8th, from T. Smith, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of Treasury.

A memorial of James Smith was read:

*Ordered*, That it be transmitted to E. Blaine, commissary general.

A petition of William Williams; and

A representation of Captain J. Lucas, were read:

*Ordered*, That they be referred to the Board of War.

A letter, of 16, from Lieutenant Colonel Presley Nevill, was read:<sup>2</sup>

be forthwith furnished with proper Instruments, andal so the Loan Officers of the respective States and that they forthwith Cause to be stamped on the said Bills before they Issue in payment or otherwise the following words Viz no Interest to be Calculated, received or allowed on this Bill and that the said Treasurer and Loan Officers (in such mode as the board of Treasurer shall direct) do cause the words promising the payment of Interest thereon in Bills of exchange annually to be erased or defaced by a line or lines being drawn through them, and be it hereby ordained that the act of Congress of the 18<sup>th</sup> of March 1780 in so much as it relates to the Interest to be paid on the Bills so defaced or erased and with the aforesaid words stamped thereon be and it is hereby repealed and held to be void and of no effect.

Provided however and it is hereby ordained that nothing in this act shall be construed in anywise to effect the promise in the aforesaid act for the payment and allowance of Interest on the Bills already Issued, before the passing of this act and the receiving the same at the Continental Treasury in Taxes with an allowance of Interest thereon as is specified in the Resolution of Congress of the        day of 1781.

<sup>1</sup> The Maryland letter is in the *Papers of the Continental Congress*, No. 70, folio 457; the memorial of Franklin and Wharton, dated February 26, 1780, is in No. 77, folios 167-205; that of Morgan, dated November 30, 1780, on folio 206; Forman's letter is in No. 78, IX, folio 443; Smith's letter is in No. 78, XXI, folio 35.

<sup>2</sup> Williams's petition, dated March 10, 1781, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 219; Lucas's representation, dated March 15, 1781, is in No. 43, folio 169; Nevill's letter is in No. 78, XVII, folio 127.

*Ordered*, That it be referred to the Board of War to take order, the resolution of Congress of 4 January last notwithstanding.

A letter, of 14, from C. Pettit, assistant quartermaster general, was read, with sundry papers enclosed:<sup>1</sup>

*Ordered*, That it be referred to the committee on the report of the Board of Treasury, of 4 November, 1780.

A report from the Board of War was read; Whereupon,

*Ordered*, That the resignation of Lieutenant George Jacob, of the 6th Maryland regiment, be accepted.<sup>2</sup>

The Board of War, to whom was referred the letter of 26th February, from the governor of Connecticut, delivered in a report; Whereupon,

WAR OFFICE *March 8, 1781.*

SIR,

The Board have the Honor to enclose to Congress a Return of the invalid Regiment specifying the States to which the Officers and Men belong so far as they are able at present to ascertain their Places of enlistment or Residence. Those at Boston belong to the Eastern States, but in what proportions we do not know. We beg leave to observe however, having in our view the request made by Gov. Trumbull in his letter referred to the Board, that if every State claim their Soldiers from the Regiment and especially for State Purposes there will be very little use to the United States in their being regimented as they will be subdivided into so many Parts as to render them incapable of discipline or any general purpose. Their situation in general is such as to admit of but a small proportion of Effectives from the variety of complaints with which they are afflicted; yet we find by drawing together a considerable number that they answer very well for Garrison Duty. Those to the Eastward may be employed if kept together in guarding Prisoners and stores, which is their present Duty, and with this view we had them collected at Boston. A small Detachment is at Rutland and if the number of Prisoners increase at that Post the whole of the Eastern Invalids may be collected there as

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 19, V, folio 119.

<sup>2</sup> This report, dated March 8, 1781, is in the *Papers of the Continental Congress*, No. 147, VI, folio 293.

Guards. We therefore beg leave to report on Gov. Trumbull's letter desiring the Connecticut Invalids to be stationed in that State,

*Ordered*, That governor Trumbull be informed, that although the United States, in Congress assembled, would be happy, on all occasions, to comply with the requests of the executive of the State of Connecticut, they cannot agree to the invalids of that State being stationed therein, consistent with the general benefit of the United States.<sup>1</sup>

*Ordered*, That two members be added to the committee on the letter, of 12, from C. Pettit, assistant quartermaster general:

The members, Mr. [Theodorick] Bland, Mr. [Thomas] McKean.

On motion, the house was resolved into a Committee of the Whole, and, after some time, the President resumed the chair, and Mr. [John] Mathews reported, that the committee have considered farther the reports of finance and other matters referred to them, and have come to sundry resolutions thereon, which he was ordered to report.

The report of the Committee of the Whole was read, and the same being debated, it was thereupon,

*Resolved*, That all debts now due from the United States, which have been liquidated in specie value, and all debts which have been or shall be made payable in specie, or other money equivalent, shall be actually paid, either in specie or in other money equal thereto, according to the current exchange between such money and specie.

That it be and hereby is recommended to the several states to amend their laws making the bills of credit emitted under the authority of Congress a legal tender, so that such bills shall not be a tender in any other manner than at their current value compared with gold or silver.<sup>2</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 289.

<sup>2</sup> This resolution was also entered in the manuscript Secret Journal, No. 8, under date of March 9.



On passing this resolution, the yeas and nays being required by Mr. [Abraham] Clark,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Sullivan,	ay	} *	Mr. McKean,	ay	} *
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Adams,	ay	} ay	Mr. Hanson,	ay	} ay
Lovell,	ay		Carroll,	ay	
Ward,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Jones,	ay	} ay
Mr. Huntington,	ay	} ay	Bland,	ay	
Root,	ay		M. Smith,	ay	
Wolcott,	ay		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Burke,	ay	} ay
Mr. Duane,	ay	} ay	Sharpe,	ay	
Floyd,	ay		Johnston,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Clark,	no	} div.	Mr. Mathews,	ay	} ay
Burnet,	ay		Bee,	ay	
<i>Pennsylvania,</i>			Motte,	ay	
Mr. Clymer,	ay	} ay	<i>Georgia,</i>		
Wynkoop,	ay		Mr. Few,	ay	} *
T. Smith,	ay				

So it was resolved in the affirmative.

*Resolved,* That the states be immediately called upon to furnish for the public expences and for carrying on the war, their proportions of one million five hundred thousand dollars quarterly, the first quarterly payment to be made on the first day of June next.<sup>1</sup>

That in discharge of this requisition, as well as those made by Congress on the 26 day of August, the 4th of November, and the 15 day of January last, the bills of credit emitted pursuant to the act of Congress of the 18 March, 1780, by what State soever emitted, shall be received at the treasury of the United States, as equal to and in lieu of the like sum

<sup>1</sup> This resolution was also entered in the manuscript Secret Journal, No. 8, under date of March 10.

of specie; and that interest be computed thereon in favor of the states from whom such bills shall be received, to the time assigned for discharging the several requisitions respectively:

That the respective states make exact returns to the Board of War by the first day of June next, of all articles by them supplied, agreeably to the act of Congress of the 25 February, 1780:

That the United States in Congress assembled will then call upon the deficient states for the full amount of their deficiencies, in value, to be paid into the treasury of the United States by the 1st day of September, 1781.

*Ordered*, That a committee, consisting of a member from each State, be appointed to apportion the quota of the above-mentioned sum of one million five hundred thousand dollars, to be paid quarterly by the states:

The members, Mr. [John] Sullivan, Mr. [James] Lovell, Mr. [James Mitchell] Varnum, Mr. [Jesse] Root, Mr. [William] Floyd, Mr. [William] Burnet, Mr. [George] Clymer, Mr. [Thomas] McKean, Mr. [John] Hanson, Mr. M[eriwether] Smith, Mr. [Thomas] Burke, Mr. [Thomas] Bee, Mr. [William] Few.

A report from the Board of Treasury was read:

TREASURY OFFICE *March 15<sup>th</sup> 1781.*

The Board of Treasury beg leave to represent to Congress

That the Loan Officer for the State of Massachusetts, applied to the Board by letter dated the 4<sup>th</sup> October last for instruction respecting the Interest accrued on the new bills at the time of issuing; and the act of the 18<sup>th</sup> of March last being clear in this respect, the following answer was given to that Loan Officer "That interest on the new bills is to be calculated from the date, and in all receipts and payments must be attended to."

This instruction was not sent to any other loan officer taking it for granted that they had not entertained the like doubts upon an act entirely unequivocal, made the more so, by the act of the 9<sup>th</sup> of September last, by which the interest is formally relinquished, on

the part of the public, in payments to the Officers, Soldiers and Seamen of the Army and Navy. On the 5<sup>th</sup> of March, instant, Thomas Smith, Loan Officer for the State of Pennsylvania, having made a similar application, the board now consider it indispensible to submit the matter to Congress.

It is suggested out of doors, and the board incline to be of the opinion; that, in some of the States, the money afs<sup>d</sup> will circulate with additional difficulty, if it shall be necessary to calculate and demand Interest at every transfer; indeed it is matter of doubt whether it will not stop it altogether. It is notorious on the other hand, that, if the interest shall be relinquished on the part of the public, there will be a certain loss of a very considerable sum annually. The difficulties on either side are great, and can only be removed by Congress.

The board are constrained farther to remind Congress, that the period is near at hand, when the first year's interest will become due; and altho it has been hitherto unattended to, either by the public or individuals they have no doubt it will be made an object of speculation, and consequently demanded as it becomes due; provision must therefore be made in time, to prevent the usual clamors against public faith; and for this purpose bills of exchange ought to be prepared. Besides this, new bills are to be delivered in lieu of those on which interest shall be paid, which makes a new emission of the Bills of Credit immediately necessary, the paper for all which is yet unmade; and the whole of the emission of the ten million not yet complete; although the press has been constantly employed on that business, and in striking bills of exchange and loan office certificates.

Two hundred ream of papers will be necessary for the first renewal of the new bills, and twenty thousand sets of exchange for payment of the first year's interest.

Congress considering these things, and pursuing the act aforesaid, will please to direct,

That the board of Treasury employ a sufficient number of extra hands to prepare bills of exchange for payment of the first year's interest, which shall be due upon the Bills of Credit issued agreeable to the Act of the 18<sup>th</sup> of March last, and paper for renewing the same.

The board beg leave further to inform Congress That, by a clause in the Act of the 18<sup>th</sup> of March last, requiring the payment of fifteen millions by monthly quotas, is extended to the month of April inclu-

sive, which calls for, out of circulation, ten million more than hath been emitted which they apprehend to be a mistake, and therefore submit it, that it be corrected to *March inclusive*.<sup>1</sup>

*Ordered*, That it be referred to the committee on the letter, of 12, from C. Pettit, assistant quartermaster general.

A motion was made by Mr. [James] Madison, seconded by Mr. [James] Duane, for putting a stop to all commercial intercourse between the inhabitants of the United States of America and the subjects of the king of Great Britain:

Whereas in order to afford to the virtuous individuals of Great Britain an assylum from the tyranny against which these States had taken arms, and to favor the importation of such warlike stores as were necessary for the defence of the said States, all vessels belonging to any inhabitant or inhabitants of Great Britain bringing settlers, arms ammunition or warlike stores for the use of these (then Colonies) now United States, were together with such stores and the effects of such settlers, by a resolution of the 23 of March 1776 exempted from seizure and condemnation as lawful prize, which exemption by a resolution of the 24 of July 1776 became extended to all vessels under like circumstances belonging to any subject or subjects of the King of Great Britain. And whereas from compassion to the distresses of the inhabitants of Bermudas and Providence or Bahama Islands all vessels and all goods wares and merchandizes belonging to the said Inhabitants were by the resolution last referred to excepted from being deemed and adjudged lawful prize, which exception as far as it relates to the inhabitants of the Bermudas Islands is still in force; and whereas the original grounds of these indulgences no longer exist; and there is also reason to apprehend that under cover thereof a clandestine trade and intercourse is carried on with the enemy, by which they are the better enabled to support the burdens of the war, and prosecute the arts of seduction among the citizens of these States as well as to give colour to their misrepresentations in Europe of a latent predilection in these States towards them; and it moreover doth not accord with the ~~friendship and convention alliances~~ intimate connection subsisting between the United States and his M. C. Majesty that any of the subjects of the

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 36, IV, folio 317.

power with which they are both at war, should be regarded as friends or neutrals by the one whilst they are regarded as enemies by the other party, and the more especially as the communication resulting from their being regarded as friends or neutrals by the former may be ~~injurious to~~ interfere with the commercial advantages of the latter, at the same time that it adds to the resources of the common enemy for protracting the war:

*Resolved*, that all the resolutions above *recited* or referred to, so far as they exempt vessels belonging to any subject or subjects of the King of Great Britain bringing settlers, arms, ammunition or warlike stores ~~into any one~~ for the use of the United States, or the citizens thereof, or such warlike stores, or the effects of such settlers, or which exempt the ships and other vessels or the goods wares and merchandizes belonging to any inhabitant or inhabitants of the islands of Bermudas from capture and condemnation be and they are hereby repealed.

*Resolved*, that the Board of Admiralty or the Secretary of Marine make such alterations in the Commissions and instructions issued and the bonds taken in that department as the foregoing resolution may require.

And whereas there is just ground to ~~believe~~ suspect that the letters of protection which have been granted by Congress ~~to the~~ in particular instances to citizens and inhabitants of the United States for the removal of their property from places within the dominion or possession of the Enemy have notwithstanding the precautions with which they were guarded been ~~productive~~ made subservient to a commercial intercourse with the enemy; and whereas there is equal ground to ~~believe~~ suspect that vessels the property of subjects of the King of Great Britain and laden with merchandize the property of the said subjects have been imported into the United States under ~~pretended~~ fraudulent clearances from places not within the dominion or possession of the Enemy:

*Resolved*, That from and after the date hereof the United States in Congress assembled will grant no letters of protection for the purpose above mentioned; and that after the        day of        no benefit shall be claimed from any such as have been already granted.

*Resolved*, that it be recommended to the Executives of the several States to take the most vigilant and effectual measures for detecting and suppressing such fraudulent importations.

*Ordered*, That copies of the foregoing resolutions be transmitted to the Executives of the States, to public ministers of the United States at foreign courts, and that the same be communicated to the Hon<sup>ble</sup> the Minister Plenipotentiary of his most C. Majesty.<sup>1</sup>

*Ordered*, That it be taken into consideration on Monday next.

The committee to whom was re-committed the resolution passed on the 7, and which was re-considered:

The committee on the letter, of 22 February, from the Board of War:

That the debts due the Merchants of Philadelphia, who have contracted with M<sup>r</sup> Samuel Caldwell, Agent Clothier under special contracts made by the express directions of the Board of War, as set forth in their said letter, and the estimates therein alluded to, be paid according to their value at the time of contracting, and that the Treasury Board be directed to prepare and deliver bills of exchange to the amount of the respective contracts to the paymaster of the Board of War, to enable the said Board to furnish M<sup>r</sup> Caldwell with the means of settlement with the public creditors before mentioned, so that each shall receive a just equivalent for the sum due according to estimates to be approved of by the Board of War.<sup>2</sup>

The committee appointed to revise the rules and orders for conducting business in the United States in Congress assembled:

The committee appointed to prepare a plan to invest the United States in Congress assembled with full and explicit powers for effectually carrying into execution in the several states all acts or resolutions passed agreeably to the Articles of Confederation:

The committee appointed to prepare a proclamation for a fast: and

<sup>1</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folios 123, 129. See *post* March 27.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 27, folio 127. It is entered in the list of postponed reports in No. 31, folio 371.

The committee to whom was referred the report of the Board of War respecting Lieutenant Skinner, delivered in their several reports.

The Medical Committee also delivered in a report for arranging the hospital for the southern army.

The committee on report of the Board of War respecting Captain Bentalon: and

The Medical Committee, to whom was referred the memorial of Doctor J. Bartlet: delivered in their several reports.

Adjourned to 10 o'Clock to Morrow.

**SATURDAY, MARCH 17, 1781**

On motion of Mr. [William] Few, seconded by Mr. [John] Mathews:

*Ordered*, That the Board of War take order that the waggons loaded with stores for the southern army may proceed immediately on their journey.

The report of the committee to whom was referred the report of the Board of War respecting Lieutenant Skinner, was taken into consideration; and Thereupon,

*Ordered*, That the Board of War draw a warrant on the paymaster general in favour of Lieutenant Alexander Skinner, of Lieutenant Colonel Lee's legion, for seven hundred and forty-two dollars new emission, for his expences on command, and for the incidental charges of conveying one sergeant and three light dragoons with six dragoon horses to the southern army.

A petition of Isaac de la Costa; and

A letter, of 13, from J. Pierce, were read:

*Ordered*, That they be referred to the Board of Treasury.

A letter, of 12, from Brigadier General W. Irvine;<sup>1</sup> and

<sup>1</sup> Da Costa's petition, dated March 13, 1781, is in the *Papers of the Continental Congress*, No. 42, II, folio 100; Pierce's letter is in No. 165, folio 593; Irvine's letter is in No. 78, XIII, folio 219.

A letter, of 16, from Brigadier General W. Thompson, were read:

*Ordered*, That they be referred to the Board of War to take order for three months' pay, the resolution of Congress of 4 January notwithstanding.

A petition of Mathew McConnel; and

A petition of James Byers, were read:<sup>1</sup>

*Ordered*, That they be referred to the Board of War.

A memorial from Coulaux Lavigne; and

A letter, of 15 February, from Nicholas and John Brown, with sundry papers enclosed, were read:

*Ordered*, that they be referred to the Committee of Commerce.

A letter, of this day, from the Board of War, with sundry papers enclosed, was read; Whereupon,

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [John] Mathews:

*Resolved*, That the troops under the convention of Saratoga be declared and treated as prisoners of war the stipulations on the part of Lieutenant General Burgoyne in behalf of that army not having been complied with, and the capitulation of Charlestown having been infringed on the part of Great Britain.<sup>2</sup>

*Ordered*, That the letter and motion be referred to a committee of three:

The members, Mr. [Theodorick] Bland, Mr. [James] Duane, Mr. [James Mitchell] Varnum.

The committee appointed to devise the mode of appointing courts for the trial of piracies and felonies committed on the high seas, delivered in a report.

<sup>1</sup> Byers's petition, dated March 3, 1781, is in the *Papers of the Continental Congress*, No. 42, I, folio 242; McConnell's, dated February 4, 1781, is in No. 42, V, folio 247.

<sup>2</sup> This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 147, IV, folio 769. It is there noted as "Seconded by Mr. [Richard] Howly."



A memorial of Nathaniel Rochester, in behalf of Thomas Hart, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of Treasury.  
Adjourned to 10 o'Clock on Monday.

**MONDAY, MARCH 19, 1781**

A letter, of 11th, from General Washington, was read.<sup>2</sup>

A letter, of 5, From J. Lawrence; and

A letter, of 28 February, and memorial, from John Lloyd, jun., were read:

*Ordered*, That they be referred to the Board of Treasury.

A letter, of this day, from Brigadier W. Thompson, was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of War.

A letter, of this day, from Beaumont Groube, was read:

*Ordered*, That it be referred to the Board of Admiralty.

A letter, of this day, from Brigadier A. Wayne, was read; Whereupon,<sup>4</sup>

*Resolved*, That it be and hereby is recommended to the supreme executive council of the State of Pennsylvania, to forward the march of their line in detachments, with all possible expedition, to join the southern army.

The report of the Medical Committee on the memorial of Dr. John Bartlett, late physician and surgeon general of the army in the northern department, was taken into consideration; and it appearing,

The medical committee to whom was referred the memorial of Dr John Bartlett late Physic<sup>n</sup> and Surg<sup>n</sup> Gen<sup>l</sup> of the army in the northern department, beg leave to lay before Congress the following State of Facts respecting the memorialist

<sup>1</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, VIII, folio 286.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 17.

<sup>3</sup> Lloyd's letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 409; Thompson's is in No. 78, XXII, folio 457.

<sup>4</sup> This letter is in the *Papers of the Continental Congress*, No. 161, folio 229.

That on the 11<sup>th</sup> of April 1777 he was appointed Physic<sup>n</sup> and Surg<sup>n</sup> Gen<sup>l</sup> to the army in the northern department, to which he repaired some time in July following and with which he continued until the 23<sup>d</sup> of October following when he was permitted by Gen<sup>l</sup> Gates to return home on account of his inability to perform the duties of the office by reason of the infirmities of age and more especially on account of an accidental injury received in his arm, That it appears to your committee that at the time D<sup>r</sup> Bartlett left the army it was generally understood that he had no design of returning to that post, he having before he received the hurt in his arm declared repeatedly to the other officers of that department that he was too old and infirm to perform the duties belonging to that office and at his particular request exchanged with D<sup>r</sup> Thomas Tillotson an Hospital Surgeon, That before he went home he obtained a certificate from D<sup>r</sup> Potts and D<sup>r</sup> Treat recommending him for an appointment to any hospital that might be established near his own home. That this notwithstanding, he repaired to the army at the White Plains some time in the year 1778, but was not considered or treated as Physic<sup>n</sup> and Surgeon General nor did he do any of the duties of that office, D<sup>r</sup> Tillotson having been appointed by Gen<sup>l</sup> Gates in his room and being then with the army and doing the duties of that office.

That on the first of July 1779 D<sup>r</sup> Shippen the late Director General at the particular request of D<sup>r</sup> Bartlett's friends directed him to repair to Fish Kill and superintend the Hospital at that place, where he accordingly came and the officers of that Hospital refusing to do duty under him he requested and obtained permission from D<sup>r</sup> Shippen on the 28<sup>th</sup> September 1779 to return home,

That he received pay for the time he was with the northern army in 1777 and six months pay besides after he went home and also that he received three months pay for the time he was at Fish Kill in 1779. Since which time your Committee cannot find that D<sup>r</sup> Bartlett hath either done duty or received pay. Upon which State of facts your Committee beg leave to report,

That Dr. John Bartlett, at his own request, and with the consent of the commanding officer of the department, and the deputy director and other officers thereunto belonging, left the service to which he was appointed, in a manner which clearly indicated his intention of relinquishing his office; and

having received pay for all the time he spent with the army, and six months while he was at home, cannot be entitled to any farther pay or allowance.<sup>1</sup>

A letter, of 8th, from E. Blaine, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James] Duane, Mr. [Joseph] Montgomery, and Mr. [Oliver] Wolcott.

The report of the committee to whom was referred the report of the Board of War was taken into consideration, and, after debate, the same being postponed, the report of the Board of War was again read and considered; and Thereupon,

The Committee to whom was referred the letters and papers of Colonel D'Arendt, and Cap<sup>t</sup> Bentalon, beg leave to report,

That Cap<sup>t</sup> Bentalon was the senior Captain in the late Count Pulaski's Legion.

That he was wounded in his left hand, in the attack on Savannah, and obtained leave of General Lincoln to go to France to effect a cure of it.

That on his passage to America, he was taken by the enemy, and is now a prisoner to them on Parole, and in great distress, That by a certificate from the pay office, it appears that Count Pulaski's legion was paid only to the 1<sup>st</sup> of December 1779, so that there is due to him fifteen months pay and rations to the 1<sup>st</sup> of this instant March.

That it appears from a report from the war office, that Cap<sup>t</sup> Bentalon is not arranged in Colonel Armand's corps; altho' the officers of Count Pulaski's legion were by resolve of Congress to be incorporated in that Corps, and he appears to be a deserving officer and of a proper age for cavalry service. Upon these facts your committee beg leave to submit the following resolutions—

*Resolved*, That the Paymaster General be and he is hereby directed, to pay Cap<sup>t</sup> Paul Bentalon seven months pay and rations of the new emission on account.

*Resolved*, That as Cap<sup>t</sup> Bentalon appears to be a deserving officer, it is the wish of Congress that he be provided for in Col<sup>o</sup> Armand's

<sup>1</sup> This report, in the writing of William Burnet, is in the *Papers of the Continental Congress*, No. 19, I, folio 229.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 129.

corps; if it will not materially derange its establishment as already made by the Commander in Chief.<sup>1</sup>

*Resolved*, That Captain Bentalon be considered as retiring from service under the resolutions of the 3d and 21 of October, 1780, and entitled to the emoluments arising therefrom;

That the Board of War draw a warrant, in favour of Captain Bentalon, on the paymaster general, for three months' pay on account.

The report of the committee on the letter from E. Forman was taken up; and Thereupon,

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office in the State of Pennsylvania, in favour of Ezekiel Forman, for ~~one hundred and twenty~~ fifty thousand dollars on account.<sup>2</sup>

The report of the committee, to whom were referred the report of the Board of Treasury, and the memorial of John Patton and others, iron masters, was taken up; and it being therein recommended,

The Committee to whom were referred the report of the Board of Treasury and the memorial of John Patton and others Iron Masters report,

That, having considered the special nature of the contract made by the Board of War for shot and shells, they are of opinion, payment ought immediately to be made; and as it does not appear that this can be done, except by drawing bills of Exchange on the Minister Plenipotentiary of the United States at the Court of Versailles, the Committee have come to the following resolution,

That bills of exchange be drawn, under the direction of the Board of Treasury, on the minister plenipotentiary of the United States, at the Court of Versailles, at six months' sight, for fifty-five thousand three hundred and thirty-

<sup>1</sup> This report, in the writing of Alexander McDougall, is in the *Papers of the Continental Congress*, No. 19, I, folio 299. It was postponed, as the indorsement shows.

<sup>2</sup> This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, II, folio 307.

three dollars and one-third of a dollar, at four shillings and six pence the dollar, to be paid to the Board of War, to enable them to fulfil their contract for shot and shells.<sup>1</sup>

On the question to agree to this, the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	ay	} *	Mr. Hanson,	ay	} ay
<i>Massachusetts,</i>			Carroll,	ay	
Mr. Adams,	ay	} ay	<i>Virginia,</i>		
Lovell,	ay		Mr. Jones,	ay	} ay
Ward,	ay		Bland,	no	
<i>Connecticut,</i>			M. Smith,	ay	
Mr. Huntington,	no	} no	<i>North Carolina,</i>		
Root,	no		Mr. Burke,	no	} ay
Wolcott,	ay		Sharpe,	ay	
<i>New York,</i>			Johnston,	ay	
Mr. Duane,	ay	} ay	<i>South Carolina,</i>		
Floyd,	ay		Mr. Mathews,	ay	} ay
<i>Pennsylvania,</i>			Motte,	ay	
Mr. Montgomery,	ay	} ay	<i>Georgia,</i>		
Clymer,	ay		Mr. Walton,	ay	} ay
T. Smith,	ay		Howly,	ay	

A report from the Board of War, of 13, with an estimate of materials wanted in the department of commissary of military stores: and

A report, of the 15, from the said Board on the western department: also

A report, of the 16, respecting the pay of captain lieutenants of artillery, were read.

WAR OFFICE *March 15 1781*

SIR,

The Board have been honored with a reference from Congress, of a letter from Col. Brodhead of the 18<sup>th</sup> Feb<sup>r</sup> last, on the subject of the Indian Affairs in the Western Department and from the general Direction that we are "to report a state of the *Western Department*"

<sup>1</sup> This report, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 26, folio 253.

it should seem that Congress meant we should also comprehend the Military Affairs of that Department. We have the honor to enclose the last return we have had of the state and numbers of the troops whereby the military strength will appear. The supplies of all kinds are extremely deficient and especially in the article of provisions, the garrison of Fort Pitt and its dependencies having been subsisted for twelve months past in the most scanty and precarious manner, and the distress is now so great that we should not be surprised to hear of the Posts being abandoned and the frontiers of this and those of the neighboring States protected by the western troops, consequentially exposed to the ravages of the Enemy. At the instance of the Board a supply of Money was put into the hands of Col. Blaine, a considerable time ago, to enable him to have purchased about one hundred head of Cattle; but from our latest accounts few or none have been purchased and we wait for Col. Blaine's arrival in Philadelphia to promote a proper Enquiry into the causes of this failure. Col. Brodhead appears to have taken every measure to gain supplies and among other expedients he was reduced to the necessity of sending a party into the Indian country to kill Buffaloes for the garrison; what success this scheme has been attended with we are not informed and it tends more to evidence their distress than to hold out hopes of any material supply for the Troops. We wish this description of wants could only be applied to the provision department as every other is nearly in the same situation. These causes if the strength of the Army would otherwise have admitted of it, have prevented the Commanding Officer from carrying on any offensive operations, save the sending out small parties as scouts, which he has done from time to time with various success. The Garrisons now consist of parts of two Regiments one of the Pennsylvania and the other of the Virginia line, a small detachment of Artillery and some independent companies. Fort Pitt as we understand is in a very ruinous and defenceless situation and Fort McIntosh about twenty five miles distant, tho' a well constructed Fort, could not for want of supplies resist a serious attack. The detail of the Military Affairs of this Department and a State of other business therein will best appear from Col. Brodhead's letters and those of this Board, which have been from time to time laid before Congress. Before we quit this part of the subject we beg leave to mention that it seems to us best that either the Virginia or Pennsylvania Detachments of the Regiments of those

State lines should be ordered to join the Army and an entire Regiment stationed at Fort Pitt, as disjointed corps are not only prejudicial to Discipline but are otherwise inconvenient.

The Enemy Indians to the Westward consisting of tribes of different nations, were at first not more than three hundred, the Delaware and Shawanose Nations being much divided. But these hostile savages have now a considerable accession of strength from the junction of the Northern Tribes, and unless some measures are fallen upon to support the friends of the United States among these savages and to supply those who are inclined to be neuter the nature of Indians and their necessities will compell the whole of them to join the British Interest.

It is certainly expedient that there should be some person invested with authority to act as an agent for Indian Affairs and that means should be put in his hands to support the friendly savages, to divide those who are hostile and if any of them will wage war with the rest it would be politic to enable them to do it. As there is no very extensive Business in this way to transact it seems to us proper that the Commanding Officer should be invested with the powers of an agent; but the present state of the finances appears to forbid any measures being taken for supplies to the Indians to any great amount, and until we are in a condition better to support them it should seem that it will not be prudent to give large promises, a failure in which will only tend to exasperate instead of conciliating their affections.

The Delaware Council at Cohocking have always appeared friendly to our Interests. Their number of fighting men amounts probably to one hundred. Many of them were at Philadelphia in 1778 and received presents from Congress. Several of their children are now educating at Princeton Colledge at the expence of the United States. On the 4<sup>th</sup> of January last Congress agreed to a visit from some of these Indians as proposed by Col. Brodhead. This visit will be very expensive and probably dangerous to the Indians, as the country through which they pass has much enmity against all Indians and cannot be persuaded to make distinctions. We were obliged for these reasons to send a strong escort with the Indians who came on a former visit to Congress both on their coming and returning. We therefore submit to Congress whether it would not be best to send some presents to Fort Pitt and supercede thereby the necessity of their coming to Philadelphia. As to building a Fort at Cohocking

and sending thereto three hundred men we conceive it impracticable, for by the former part of this letter it will appear that we are not in a condition to support even the Garrisons we already have in that Country. Upon the foregoing State of the Affairs of the Western Department we submit the following resolutions—

That the Executive of the State of Pennsylvania, be earnestly requested to lay up at Fort Pitt in part of their Quota of provisions an immediate supply of provisions for six months for a complete regiment, consisting of six hundred and twelve rank and file properly officered.

That the Commanding Officer in the Western district be directed so far as he has the means in his power to put the Fortifications at Pittsburg in good order.

That the said Commanding Officer for the time being act as Agent for Indian Affairs in that District and that the Board of War give him the necessary instructions on this subject.

That the sum of                Dollars in Bills of Exchange be delivered to the Paymaster of the Board of War to enable the said Board to purchase a quantity of Indian goods to be sent to the Commanding Officer of the Western Army to be distributed agreeable to the instruction of the said Board among such of the faithful savages of the Western Nations as shall be deemed proper objects of the Bounty of the United States.

That the expediency of the Cooshocking Indians making a visit to Congress agreeable to the Resolution of the 4<sup>th</sup> of January last be referred to the Board of War to take order, that resolution notwithstanding—

That the Commander in Chief take order respecting the Troops of which the Western Army is or shall be composed so that entire corps be drawn together as much as circumstances will permit.

That Col. Brodhead be informed that it is inexpedient to comply with the request of the Delaware Indians as contained in the letter of W<sup>m</sup> Penn and the Councillors of Cooshocking dated the 13<sup>th</sup> of January last.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 303. It was read on this day, as the indorsement indicates. It is further indorsed: "August 23<sup>d</sup>, 1781, not to be acted upon."



## TUESDAY, MARCH 20, 1781.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *March 19<sup>th</sup> 1781*

The Board of Treasury have had under their consideration the Letter of the Honble Thomas Smith Esq<sup>r</sup> read in Congress the 16<sup>th</sup> instant, and referred to this Board.

They are of opinion from enquiry into the facts that M<sup>r</sup> Smith has given a just and true representation of them—That the warrant for thirty thousand dollars said to have been obtained in August last for the repayment of the money borrowed by him remains in the hands of the Quarter Master unpaid from there not having been money in the Treasury to pay and discharge the same; and that M<sup>r</sup> Smith has received no payment, as was intended by the said warrant—That considering the circumstances of this claim by M<sup>r</sup> Smith the Board are of opinion his demand of the new money at forty for one in payment is reasonable, and should be complied with which is submitted to Congress, with the following Resolution:

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the loan office for the State of Pennsylvania, in favour of Charles Pettit, assistant quartermaster general, on account of Nath<sup>l</sup> Greene, late quartermaster general, for seven hundred and fifty dollars new emission, to enable him to repay that sum to Thomas Smith, Esq<sup>r</sup>, of Bedford County, in the State of Pennsylvania, for money advanced by him heretofore for the quartermaster department, for which sum the said late quartermaster general is to be accountable; and

That the said assistant quartermaster general be authorised to apply the money arising from the warrant in his favour upon the treasurer, for thirty thousand dollars, dated 30<sup>th</sup> of August last, to the most pressing purposes of that department.<sup>1</sup>

TREASURY OFFICE, *March 16<sup>th</sup>, 1781.*

The Board of Treasury, having considered the Letter from Charles Pettit, Esq., Assistant Quartermaster General, dated the 13 inst.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 179.

inclosing a letter of the 7th together with an Estimate of Money necessary for the Quartermaster General's Department in the State of New Jersey from John Neilson Deputy Quartermaster for said State approved by the Board of War, beg leave to report,

That a warrant issue on Joseph Borden, commissioner of the continental loan office for the State of New Jersey, in favour of Charles Pettit, assistant quartermaster general, on account of Colonel Timothy Pickering, quartermaster general, for sixty-one thousand nine hundred and eighty dollars of the ~~old~~ new emission, for the use of the quartermaster's department in New Jersey, and for which sum the said Colonel Timothy Pickering, quartermaster general, is to be accountable.<sup>1</sup>

The report of the committee appointed to prepare a recommendation to these states, to set apart a day of humiliation and prayer was taken into consideration; and thereupon

The United States in Congress assembled, agreed to the following proclamation:

~~In times of calamity and impending danger when a vindictive enemy pursues with unrelenting fury a war of rapine and devastation to reduce us by fire and sword, by the savages of the wilderness and our own domestics to the most abject and ignominious bondage; it becomes the indispensible duty of the citizens of these United States with true penitence of heart publicly to acknowledge the over-ruling Providence of God, to confess our offences against him, and to supplicate his gracious interposition for averting the threatened danger and preparing our efforts in the defence and preservation of our injured country.~~

At all times it is our duty to acknowledge the over-ruling providence of the great Governor of the universe, and devoutly to implore his divine favour and protection. But in the hour of calamity and impending danger, when by fire and the sword, by the savages of the wilderness, and by our own domestics, a vindictive enemy pursues a war of rapine

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 177.

and devastation, with unrelenting fury, we are peculiarly excited, with true penitence of heart, to prostrate ourselves before our great Creator, and fervently to supplicate his gracious interposition for our deliverance.

The United States in Congress assembled, therefore do earnestly recommend, that Thursday the third day of May next, may be observed as a day of humiliation, fasting and prayer, that we may, with united hearts, confess and bewail our manifold sins and transgressions, and by sincere repentance and amendment of life, appease his righteous displeasure, and through the merits of our blessed Saviour, obtain pardon and forgiveness: that it may please him to inspire our rulers with wisdom and uncorruptible integrity, and to direct and prosper their councils: to inspire all our citizens with a fervent and disinterested love of their country, and to preserve and strengthen their union: to turn the hearts of the disaffected, or to frustrate their devices: to regard with divine compassion our friends in captivity, affliction and distress, to comfort and relieve them under their sufferings, and to change their mourning into grateful songs of triumph: that it may please him to bless our ally, and to render the connection formed between these United States and his kingdoms a mutual and lasting benefit to both nations: to animate our officers and forces by sea and land with invincible fortitude, and to guard and protect them in the day of battle, and to crown our joint endeavours for terminating the calamities of war with victory and success: that the blessings of peace and liberty may be established on an honourable and permanent basis, and transmitted inviolate to the latest posterity: that it may please him to prosper our husbandry and commerce, and to bless us with health and plenty: that it may please him to bless all schools and seminaries of learning, and to grant that truth, justice and benevolence, and pure and undefiled religion, may universally prevail.

And it is recommended to all the people of these states, to assemble for public worship, and abstain from labour on the said day.<sup>1</sup>

A report from the Board of War was read; Whereupon,

WAR OFFICE, 20<sup>th</sup> March 1781

SIR,

The Board beg leave to represent that in obedience to the orders of Congress they have drawn a warrant on the Pay Master General in favor of Lt. Skinner of Lt Col<sup>le</sup> Lee's partizan corps for eight hundred and fifty seven dollars in the new bills. The pay master hath this moment informed the Board he hath no money in his hand, to pay the warrant. All the money he has is appropriated for the payment of the Baron D'Arandt by express order of Congress. The waggons are nearly all loaded with the cloathing for Lt Col<sup>le</sup> Lees Corps which is under Lt Skinners care, and the Board know of no way that the aforesaid sum can be obtained immediately unless Congress should think proper to order payment to be made out of the moneys in the Paymaster General's hands, in which case it may be proper to resolve,

*Ordered*, That the Board of War take order for the discharge of Lieutenant Skinner's warrant, any former orders of Congress to the paymaster general notwithstanding.<sup>2</sup>

There being no entry made on the Journal after the yeas and nays taken yesterday, to shew in what manner the question was decided; it being alleged that the report upon which the question was taken, involved a point for the determination of which the assent of nine states was necessary; it was moved that immediately after the yeas and nays taken yesterday, be entered the following words, "so it was resolved in the affirmative."

On the question to agree to this, the yeas and nays being required by Mr. [Thomas] Burke,

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 24, folio 459.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 148, I, folio 331.

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Adams,	no	} no	Mr. Hanson,	no	} no
Lovell,	no		Carroll,	no	
Ward,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Bland,	no	} no
Mr. Varnum,	ay	} *	M. Smith,	no	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Huntington,	ay	} ay	Mr. Burke,	no	} div.
Root,	ay		Sharpe,	ay	
Wolcott,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Mathews,	no	} no
Mr. Duane,	ay	} ay	Motte,	no	
Floyd,	ay		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Walton,	ay	} no
Mr. Montgomery,	no	} no	Few,	no	
Clymer,	no		Howly,	no	
T. Smith,	no				

So it passed in the negative.

The letter, of 13, from R. Morris, was taken into consideration, when a motion was made by Mr. [Thomas] Burke, seconded by Mr. [John] Mathews,

That Congress do not require Mr. Morris to dissolve any commercial connection which he shall have formed previous to his taking upon him the office of superintendant of the finances of the United States of America:

On the question to agree to this, the yeas and nays being required by Mr. [Samuel] Adams,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Sullivan,	no	} *	Mr. Duane,	ay	} ay
<i>Massachusetts,</i>			Floyd,	ay	
Mr. Adams,	no	} no	<i>Pennsylvania,</i>		
Lovell,	ay		Mr. Montgomery,	ay	} ay
Ward,	no		Clymer,	ay	
<i>Connecticut,</i>			T. Smith,	ay	
Mr. Huntington,	no	} no	<i>Maryland,</i>		
Root,	no		Mr. Hanson,	no	} no
Wolcott,	ay		Carroll,	no	

<i>Virginia,</i>			<i>South Carolina,</i>		
Mr. Jones,	ay	} ay	Mr. Mathews,	ay	} ay
Madison,	ay		Bee,	ay	
Bland,	no		<i>Georgia,</i>		
M. Smith,	ay		Mr. Walton,	ay	} ay
<i>North Carolina,</i>			Few,	ay	
Mr. Burke,	ay	} ay	Howly,	ay	
Sharpe,	ay				
Johnston,	ay				

So the question was lost.

A motion was then made by Mr. [James] Duane, seconded by Mr. [John] Mathews, as follows:

The following paragraph from the letter from Mr. R. Morris, lately elected superintendant of finance, was considered, viz.

“I am to inform Congress that the preparatory steps I had taken towards procuring myself relaxation from business, with least injury to the interests of my family, were by engaging in certain commercial establishments with persons in whom I had perfect confidence, as to their integrity, honor and abilities. These establishments I am bound in honor and by contracts to support, to the extent agreed on: if therefore it be in the idea of Congress, that the office of superintendent of finance is incompatible with commercial concerns and connections, the point is settled; for I cannot, on any consideration, consent to violate engagements or depart from those principles of honor which it is my pride to be governed by. If, on the contrary, Congress have elected me to this office, under the expectation that my mercantile connections and engagements were to continue, an express declaration of their sentiments should appear on the minutes, that no doubt may arise or reflections be cast on this score hereafter.”

*Resolved*, That the United States in Congress assembled do not require Mr. Morris to dissolve the commercial connections referred to in the said paragraph.

On the question to agree to this, the yeas and nays being required by Mr. [Samuel] Adams,

<i>New Hampshire,</i>			<i>Virginia,</i>		
Mr. Sullivan,	no	} *	Mr. Jones,	ay	} ay
<i>Massachusetts,</i>			Madison,	ay	
Mr. Adams,	no	} no	Bland,	no	
Lovell,	ay		M. Smith,	ay	
Ward,	no		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Burke,	ay	} ay
Mr. Huntington,	no	} no	Sharpe,	ay	
Root,	no		Johnston,	ay	
Wolcott,	ay		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Mathews,	ay	} ay
Mr. Duane,	ay	} ay	Bee,	ay	
Floyd,	ay		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Walton,	ay	} ay
Mr. Montgomery,	ay	} ay	Few,	ay	
Clymer,	ay		Howly,	ay	
T. Smith,	ay				
<i>Maryland,</i>					
Mr. Hanson,	ay	} ay			
Carroll,	ay				

So it was resolved in the affirmative.

Adjourned to 10 o'Clock to Morrow.

### WEDNESDAY, MARCH 21, 1781

Mr. [William Churchill] Houston, a delegate for New Jersey, and Mr. [Nicholas] Van Dyke, a delegate for the State of Delaware, attended and took their seats.

A letter, of 18 February, from William Malcolm, was read:<sup>1</sup>

*Ordered,* That it be referred to the Board of War.

A letter, of this day, from Colonel J. Wood; and

A letter, of 20, from Lieutenant Colonel Du Buysson, were read:<sup>2</sup>

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 135.

<sup>2</sup> Wood's letter is in the Washington Papers, *Letters to Washington*, No. 96, folio 135; Dubuysson's is on folio 133.

*Ordered*, That they be referred to the Commander in Chief.

A letter, of this day, from J. Wilkinson, was read, with an account of the officers in the Cloathier's department; and

A letter, of 21, from the Board of War:<sup>1</sup>

*Ordered*, That the same, together with the report of the Board of Treasury, of the 15 day of February last, be referred to the committee on the arrangement of the cloathier's department.

A representation of Henry Bedkin was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

The consideration of the letter of 13, from Mr. R. Morris, being resumed, a motion was made by Mr. [John] Mathews, seconded by Mr. [Thomas] Burke,

That the superintendant of finance be, and he is hereby empowered to appoint and remove at his pleasure, his assistants in his peculiar office or chamber of business in immediate connexion with him; it being first determined by the United States in Congress assembled, that such assistants so to be appointed, are necessary, and what the salary of each shall be.

On the question to agree to this, the yeas and nays being required by Mr. [Samuel] Adams,

*New Hampshire,*

Mr. Sullivan, ay } \*

*Massachusetts,*

Mr. Adams, no }  
Ward, no } no

*Connecticut,*

Mr. Huntington, ay }  
Root, ay } ay  
Wolcott, ay }

*New York,*

Mr. Duane, ay }  
Floyd, ay } ay

*New Jersey,*

Mr. Clark, no }  
Houston, ay } div.

*Pennsylvania,*

Mr. Montgomery, ay }  
Clymer, ay } ay

<sup>1</sup> Wilkinson's letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 245; the Board of War's letter, dated February 21, 1781, is on folio 253.

<sup>2</sup> This representation, dated March 20, 1781, is in the *Papers of the Continental Congress*, No. 43, folio 19.



<i>Delaware,</i>			<i>North Carolina,</i>		
Mr. McKean,	ay	} ay	Mr. Burke,	ay	} ay
Van Dyke,	ay		Sharpe,	ay	
<i>Maryland,</i>			Johnston,	ay	
Mr. Hanson,	ay	} ay	<i>South Carolina,</i>		
Carroll,	ay		Mr. Mathews,	ay	} ay
<i>Virginia,</i>			Motte,	ay	
Mr. Madison,	ay	} ay	<i>Georgia,</i>		
Bland,	no		Mr. Few,	ay	} ay
M. Smith,	ay		Howly,	ay	

It was resolved in the affirmative.

*Ordered*, That the remainder of Mr. Morris's letter be referred to a committee of three:

The members, Mr. [William Churchill] Houston, Mr. [Thomas] Burke, Mr. [Oliver] Wolcott.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *March 20<sup>th</sup> 1781*

The Board of Treasury beg leave to report.

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favor of David C. Claypoole, printer to the United States in Congress assembled, for nine hundred and seventy-four dollars of the new emissions in full of his account settled by the commissioners, the 17th instant, for printing the Journals of Congress, &c.<sup>1</sup>

And sundry copies of the inspectors, Medical, and Army arrangements from the 9 of Sept. 1780 to the 8 inst: and for the Penn<sup>a</sup> Packet supplied Congress and the several boards under them from the 2<sup>d</sup> of Sept. last to the 1<sup>st</sup> instance.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This paragraph was entered by George Bond.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 183.

THURSDAY, MARCH 22, 1781

A letter, of this day, from G. Measam, was read.<sup>1</sup>

A letter, of January 14, from Major General Greene, was read, with sundry papers enclosed:

*Ordered*, That it be referred to the Medical Committee.

The report of the Medical Committee, delivered the 15, was taken into consideration, and it was thereupon resolved as follows:

Whereas the late regulations for conducting the medical department and military hospitals passed the 30th day of September last, and amended by several subsequent acts of Congress, extends no farther southward than to include the State of Virginia; and whereas the present operations of the war to the southward, make it necessary that the hospital department, in that district, be rendered as uniform to that in the northern army as circumstances will permit, that no inconveniencies may arise to the army in general from different and opposite systems, as its operations may eventually be interchangeable from one district to another in a short space of time; therefore,

*Resolved*, That there be one deputy director of the military hospitals, ~~in the Southern district subject to the general control of the director~~ who shall, in the absence of the director, have the general control and management of all the military hospitals that are or may be established ~~to the Southward of Virginia~~ under the orders of the commander of the southern army for the time being.

When the foregoing resolution was under debate, a motion was made by Mr. [John] Mathews, seconded by Mr. [Thomas] Bee, after the words "the director," to insert "for the southern army;" and on the question, shall those words be in-

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 139.

serted? the yeas and nays being required by Mr. [Thomas] Bee,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Sullivan	no	}	Mr. McKean,	no	}
<i>Massachusetts,</i>			Van Dyke,	no	
Mr. Adams,	no	}	<i>Maryland,</i>		
Ward,	no		Mr. Carroll,	no	}
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Varnum,	no	}	Mr. Jones,	no	}
<i>Connecticut,</i>			Bland	no	
Mr. Huntington,	no	}	Smith,	no	
Root,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Burke,	no	}
Mr. Duane,	no	}	Sharpe,	no	
Floyd,	no		Johnston,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Clark,	no	}	Mr. Mathews,	ay	}
Houston,	no		Bee,	ay	
<i>Pennsylvania,</i>			Motte,	ay	
Mr. Montgomery,	no	}	<i>Georgia,</i>		
Clymer,	no		Mr. Howly,	no	}

So it passed in the negative.

*Resolved,* That ~~within the~~ for the army aforesaid, ~~district~~ there shall be one chief physician of the hospital, who shall also be a surgeon; one chief physician to the said army, who shall also be a surgeon; two hospital physicians, who shall also be surgeons; and four surgeon's mates for the hospitals; one deputy purveyor with an assistant, one deputy apothecary with an assistant; and to each hospital, a steward, matron, orderly men and nurses as is directed in the arrangement of the ~~northern~~ hospital, passed the 30 day of September aforesaid.

That the deputy director, deputy purveyor and deputy apothecary, have and exercise the same powers which are exercised by the director, purveyor and apothecary respectively, agreeably to the arrangement above-mentioned:

That the pay of the deputy director be one hundred and forty dollars per month, that of the deputy purveyor and deputy apothecary, each one hundred and twenty dollars per month; and they shall severally be entitled to the same emoluments, and subject to the same regulations and restrictions as their respective principals are entitled or subjected to by the above-mentioned arrangement and the amendments thereto:

That all the other officers of the hospital and medical staff for the southern ~~district~~ army, exercise the same powers, perform the same duties, receive the same pay and emoluments, and be subject to the regulations and restrictions laid down in the aforesaid arrangement for officers of like description:

Provided nevertheless, that the powers therein directed to be exercised by the director, and any two chief physicians and surgeons of the hospital, shall, in the absence of the deputy director, be vested in and exercised by the next officer in the hospital department for the southern army, and so on in succession, in conjunction with the two next seniors.<sup>1</sup>

*Ordered*, That Monday next be assigned for the election of the officers in the hospital department for the southern army.

The committee to whom was referred the letter, of 13, from the Board of War, together with the estimate of quartermasters' stores for the ensuing campaign, delivered in a report, which was taken into consideration, and, after debate:

The Committee to whom was referred the estimate from the Board of War and the report of that Board of the 13<sup>th</sup> inst, Report.

That they approve the said estimate and recommend that money be granted and appropriated to carrying the same into execution with all possible expedition and thereupon beg leave to submit the following Resolve,

<sup>1</sup> This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 22, folio 33.

*Resolved*, that the Board of Treasury report to Congress, the ways and means for furnishing the Board of War with seven hundred and fifty four thousand five hundred and seventy four dollars and sixty ninetieths of a dollar in specie value to be appropriated to the procurement of Stores for the Army so far as concerns the Department of the Quarter Master General.<sup>1</sup>

*Ordered*, That it be re-committed.

*Ordered*, That the Board of Treasury report the ways and means of furnishing the sum of five hundred thousand dollars specie value for the quartermaster's department.

The committee to whom was referred the letter, of 17, from the Board of War, delivered in a report:

*Ordered*, That the same be taken into consideration to Morrow.

The committee, to whom was referred "The act of the legislature of the State of Connecticut, vesting in Congress, for a limited time, a power to levy and collect duties for the purposes mentioned in the act of Congress of the 3 day of February last;" report,<sup>2</sup>

"That it appears by an estimate reported to Congress, that upon loan office certificates and other loans made for the use of the public, an annual interest arises of more than one million of dollars:

"That the said debts being contracted on the faith and for the defence of the United States, and Congress having no means to discharge either the principal or interest, justice, good faith and the honor of the Confederacy, require that certain adequate and permanent funds should be provided by the respective states, and appropriated for the satisfaction of the public creditors and for supporting the war:

"That, upon mature deliberation, it was the unanimous opinion of Congress that a duty on imports and prizes would

<sup>1</sup> This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 27, folio 129.

<sup>2</sup> From this point the entries are by George Bond.

be most equal throughout the United States, and least burthensome to our citizens:

“That Congress, therefore, recommended it to the respective states as indispensibly necessary, to vest a power in Congress to levy the duty on imports and prizes, mentioned in their act of the 3d of February last; and that the said duties should be continued until the principal and interest of the debts already contracted, or which might be contracted, on the faith of the United States, for supporting the present war, should be fully and finally discharged:

“That in the opinion of the committee, the proviso at the close of the act of the legislature of Connecticut, will defeat the good intentions of the said requisition, which aims at giving the public creditors, who have vested or shall vest their property in the funds, a substantial and adequate security which shall operate until their debts are fully satisfied:

“That from the estimate laid before Congress, the produce of the duty on imports and prizes will, during the war, fall greatly short of the annual interest, even of the loan office certificates; and will, in the opinion of the committee, justly alarm those who have lent their money to the public, if the funds so to be assigned, should be limited for a short or any period, which will not afford them reasonable security, and continue in force until the debts due to them are faithfully discharged;” Whereupon,

*Resolved*, By the United States in Congress assembled, That it be, and hereby is earnestly recommended to the legislature of the State of Connecticut, to revise the above-mentioned law, and to alter and amend it agreeably to the requisition in the act of Congress of the 3d day of February last to wit:

That the proposed duties on imports and prizes shall be continued until the principal and interest of debts already

contracted on the faith of these United States, for the support of the present war, shall be fully and finally discharged.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MARCH 23, 1781

A letter, of 1, from General Washington, enclosing a memorial from Colonel M. Hazen, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Artemas] Ward, Mr. [John] Sullivan, Mr. [Isaac] Motte.

A letter, of 22, from B. M'Clenaghan and others, was read:

*Ordered*, That it be referred to a committee of three:

The members, Mr. [William Churchill] Houston, Mr. [John] Hanson, Mr. [George] Clymer.

A letter, of 2, from R. Troup, enclosing a letter from the hon<sup>ble</sup> Doctor Franklin, dated August 10, 1780, was read.<sup>3</sup>

The committee to whom was referred the letter, of 8, from E. Blaine; and

The Committee to whom was referred the letter of the Commissary General of purchases of the 8<sup>th</sup> instant beg leave to submit the following resolutions to Congress:

Whereas Congress are informed by the Commissary General of purchases, that by reason of the deficiency of fresh provisions, the army are in a great measure fed by the salted provisions which were principally designed to supply the army in the hot season, and in times of sieges and capital operations against the enemy, And whereas by the same information Congress are given to under-

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 20, I, folio 269.

On this or an approximate date was read a letter of Theophilus Gardner and Patrick Ferrall, dated this date. It is in the *Papers of the Continental Congress*, No. 78, X, folio 311.

Here Thomson resumes the entries.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 9.

<sup>3</sup> The letter of McClenachan and six others is in the *Papers of the Continental Congress*, No. 78, XVI, folio 143; Troup's is in No. 78, XXII, folio 449; Franklin's on folio 453.

stand that such scanty supplies of flour have been furnished as to render the subsistence of the army uncertain and precarious, And Whereas it is absolutely necessary that the supplies of flour and fresh provisions should be regularly made according to the requisitions of Congress to the several States by their Act of the 4<sup>th</sup> of November last, especially as the consumption of provisions is daily increasing by the accession of new Recruits to the army.

*Resolved, therefore* that the States be again called upon to furnish the provisions agreeably to said Act of the 4<sup>th</sup> of November last; And that they be informed that unless the strictest attention is given to those requisitions, the important views respecting the ensuing campaign will probably be defeated, And that in case this shall happen the war will likely be prolonged beyond a period which might otherwise be expected,

And Whereas there is good reason to apprehend that the estimates made of the quantities of live provisions furnished the army have, in many instances been very erroneous, by means whereof the United States are charged with much larger quantities than have been actually supplied, whereby an unrightious advantage has been obtained by individuals to the injury of the Publick.

*Resolved therefore* that the executive power of the several States appoint disinterested and judicious Freeholders to apprise upon oath according to their best judgment the weight of all live provisions purchased for the use of the army or navy, at the time when such provisions shall be collected for that purpose within the State where the same has been purchased. And that a certificate under the hands of at least five such apprizers together with a proper certificate of their having been appointed by such executive shall be produced as vouchers to support any charge for supplies of this kind, against the United States. And that the costs of such appraisal shall be at the expence of the respective States.<sup>1</sup>

The committee appointed to apportion the quotas of the states, delivered in their several reports.

The report of the committee for apportioning the quotas of the states, was taken into consideration; and, thereupon,

<sup>1</sup> This report, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 19, I, folio 381. It is indorsed by Thomson: "Important." It is in the list of postponed reports in No. 31, folio 371.



*Resolved*, That the quota of one million five hundred thousand dollars, called for by act of 16, be as follows;

New Hampshire,	46,080 $\frac{3}{4}$	four quarterly payments,	184,323
Massachusetts,	264,965 $\frac{3}{4}$		1,059,863
Rhode Island,	29,146 $\frac{1}{4}$		116,585
Connecticut,	195,844 $\frac{1}{4}$		783,377
New York,	43,200 $\frac{3}{4}$		172,803
New Jersey,	103,682		414,728
Pennsylvania,	264,965 $\frac{3}{4}$		1,059,863
Delaware,	24,480 $\frac{1}{4}$		97,921
Maryland,	182,026 $\frac{3}{4}$		728,107
Virginia,	288,006 $\frac{1}{2}$		1,152,026
North Carolina,	57,601		230,404
	<hr/>		<hr/>
	1,500,000		6,000,000

*Resolved*, That the sums assessed shall not be considered as the proportion of any State, but being paid into the treasury, shall be placed to their respective credit, bearing an interest of six per cent. per annum, from the time of payment until the quotas shall be finally ascertained, agreeably to the Articles of Confederation. And if it shall then appear that any State is assessed more than its just quota of the said tax, it shall continue to receive interest on the surplus; and if less, it shall be charged with the interest on the deficiency, until, by a future tax, such surplus or deficiency shall be properly adjusted.

The report of the committee on the letter, of 17, from the Board of War, was taken into consideration; and, after debate,

The Committee to whom was referred the report from the Board of War of the 17th March, with sundry other papers relating to the prisoners under the Convention of Saratoga, and the Cowpen prisoners, &c, &c,

Find that it is provided under the 2nd and 3rd Articles of the Convention of Saratoga, and recognised in the 9th Article of the said

Convention that unless a Cartel should take place, by which the Army under Lieut: General Burgoyne, or any part of it may be exchanged, those troops are not to serve again in North America during the present Contest, notwithstanding which your Committee are well informed, that great desertions have taken and do daily take place among the British Troops prisoners under the aforesaid stipulations, who after being encouraged thereto by the Enemy, are immediately drafted into their Regiments, now in actual Service against these United States. Your Committee cannot but think it highly expedient to take effectual measures, to prevent such mischievous consequences as do or may arise from such an unjustifiable procedure on the part of the Enemy, to the welfare of these United States, in which it is notorious that every effort is made by them to evade the most solemn stipulations. Your Committee beg leave farther to report, that from a strict adherence to the tenor of the aforesaid treaty, a very considerable balance is due to these States, for rations and transport furnished the said Troops who have been supplied with full rations of provisions more than what is usually allowed to prisoners of war under any description, for which no payment has been made for more than two years, altho frequently demanded. In order, therefore, to prevent future desertion from the British Troops of Convention, your Committee are of opinion that it is necessary, the non commissioned Officers and Soldiers of the said Troops be forthwith closely confined and effectually guarded so as to prevent them from going to the Enemy. That such of them as shall escape in future, be treated as Enemies holding no faith, that such of their Officers as may attempt to hold any correspondence with the Enemy or others or take any steps to promote their escape, shall be deemed and treated as having forfeited their paroles.

That unless immediate payment is made for provision and transport heretofore furnished the said prisoners under the Convention of Saratoga according to rates stipulated in Article the 5th, no more or other provision shall be issued to the said prisoners, but such as are issued to prisoners in other circumstances.

Your Committee are of opinion, that for the security and providing the unconditional prisoners of war and the prisoners under the Convention of Saratoga, they should be disposed of in the following manner, viz:

That the Cowpen prisoners and all the unconditional prisoners of war in Virginia and Maryland, be immediately removed to Pennsylvania under a strong Guard;

That the British prisoners under the said Convention remain at Frederick Town in Maryland, and be closely confined, except the Officers who should have their parole, and be sent to Simsbury in Connecticut, where they can be more conveniently quartered than at present;

That the German Troops under the said Convention, shall remain near the Town of Winchester in Virginia and be confined to the Barracks, built there by order of the State of Virginia, and the guard now there, added to such guards as the State of Maryland shall furnish at Frederick Town, and be employed in guarding the prisoners at that place;

That the Regiment of guards, raised by the State of Virginia, be appointed to guard the German Troops under the said Convention, and that Colonel Wood be continued in the Command and Superintendancy of the Convention Troops both German and British;

Whereupon your Committee submit the following resolutions:

*Resolved*, That the unconditional prisoners of war in Maryland and Virginia, be immediately removed under a strong guard into the State of Pennsylvania, where they are to be confined, under the direction of the Board of War.

*Resolved*, That that Board take immediate measures, for furnishing a sufficient Guard, for their Escort and safe keeping.

*Resolved*, That the German Troops under the Convention of Saratoga be confined to the Barracks, built by the State of Virginia near Winchester, and that the Regiment raised by the said State for guarding the Prisoners of Convention be assigned as a guard for the said German Troops.

*Resolved*, That the non-commissioned Officers and Privates of the British prisoners under the said Convention be forthwith closely confined at or near Frederick Town in Maryland, or in such other place or places within that State as the Governor and Council shall direct, and unless immediate payment is made for the provisions and transport heretofore furnished the prisoners under the said Convention, that no more or other provisions or transport be furnished or allowed them, but such as are furnished to unconditional prisoners of war by order of Congress.

*Resolved*, That the Officers of the German Troops be paroled to a district in the County of Frederick in Virginia, not exceeding ten Miles in Circumference, and that the Officers of the British Troops of the Convention be ordered to Simsbury in Connecticut, stationed there or at such other place, as the Executive of that State shall

think proper within the said State, and be paroled to a District not exceeding Six Miles in Circumference, and that the Executive of the said State of Connecticut, be requested to appoint a proper person to superintend their Conduct and to report thereon to Congress or the Board of War.

*Resolved*, That no transport be allowed to the prisoners under the Convention in future at the expence of the United States, and that the commanding officer having the care of the said Troops, have full authority to limit the number of waggons and horses to be hired by them, for the purpose of transporting baggage, &c, or the number of Horses to be kept by the Officers, and the price to be by them given for forage to support their own Horses, or of provisions for themselves.

*Resolved*, That the Board of War take immediate measures for carrying into execution the aforesaid resolutions.<sup>1</sup>

*Ordered*, That it be referred to the Board of War to take order thereon.

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [George] Walton:

*Ordered*, That it be referred to the Board of War

A report of the Board of Treasury was read; Whereupon,

TREASURY OFFICE, *March 21, 1781.*

The Board of Treasury beg leave to report—

*Ordered*, That on the application of Mr. [Thomas] Burke, a delegate for the State of North Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pensylvania, for twenty thousand dollars of the old emissions, for which the State of North Carolina is to be accountable.

The Board of Treasury, according to order, delivered in a general account of the salaries due to the officers on the civil list up to the first of March instant, which was read.

In compliance with an order of Congress of the 23<sup>d</sup> of Feb<sup>r</sup> last directing the Board of Treasury to report the sums due to the Officers of the civil list. The Board beg leave to present the report of the

<sup>1</sup>A copy of this report is in the Washington Papers, *Letters to Washington*, 96, folio 140.

Auditor Gen<sup>l</sup> to them, on the several accounts of those Officers as liquidated by the Chamber in consequence of the order aforesaid.

The Board have only to mention, that the account of Francis Hopkinson Esq. Treasurer of Loans was fully settled by the Superintendants of the Treasury on the 19 of July 1779 and a sum of 5503 dollars including a quarter's salary then allowed in full compensation for all his demands, as set forth in his memorial to Congress of the 12<sup>th</sup> of July 1779 "referred to the Board to take order thereon" which sum Mr Hopkinson now considers as an advance of money: claiming under the resolution of the 4 of Dec<sup>r</sup> 1780, a retrospect to the time of his appointment to office which is admitted by the Commissioners of the Chambers of accounts, and the account is settled by them accordingly.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

**SATURDAY, MARCH 24, 1781**

A petition of Aaron Levy was read:

*Ordered*, That it be referred to the Board of Treasury to take order.

An application of Henry Neill, in behalf of the State of Delaware, was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War to take order.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Richard Butler, for three hundred dollars new emission, being the balance of his account as agent of Indian affairs, settled by the commissioners of accounts the 20th instant.<sup>3</sup>

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, V, folio 185. The enclosure, *General Account of Salaries & Arrearages due to the Civil List &c to the 1<sup>st</sup> March 1781*, is in No. 34, folio 267.

<sup>2</sup>Levy's petition, dated March 23, 1781, is in the *Papers of the Continental Congress*, No. 42, IV, folio 278; Neill's application, dated March 24, 1781, is in No. 20, II, folio 215.

<sup>3</sup>This report is in the *Papers of the Continental Congress*, No. 136, V, folio 193.

A motion was made by Mr. [Thomas] McKean, seconded by Mr. [John] Mathews:

Whereas it is just, that the holders of certificates for prizes drawn, or to be drawn, in any of the classes of the present United States Lottery, shall sustain no loss thereon by any depreciation of the paper bills of credit, emitted by Congress subsequent to the dates of such certificates respectively, Therefore *resolved*,

1. That the principal money contained in such certificates shall finally be discharged at the time, the rate, and in the same manner as other Loan Office certificates are directed to be discharged by the act of Congress of the 28<sup>th</sup> day of June last.

2. That the principal of all such Certificates, for prizes that bear date on the 29<sup>th</sup> day of April, 1780, shall be discharged at the rate of one Spanish Milled Dollar, or the current exchange thereof in other money at the time of payment, for every forty dollars of the Bills of credit contained in such certificates, and those which shall be taken out hereafter shall be discharged at the rate of one Spanish Milled dollar, or the current exchange thereof in other money at the time of payment for every ~~forty~~ sixty five dollars of the Bills of Credit contained in such certificates. That the interest on all such certificates, at the rate of six per cent per annum, computed on the principal ascertained as aforesaid, shall be paid annually at the like rate, until the principal shall be paid.

3. That no Loan office certificates shall from and after the date hereof be issued on the Loan officer of Pennsylvania, except for prizes drawn or to be drawn in the United States Lottery, and for the payment of interest on Loan office Certificates, nor by the Loan officers of any of the other States from and after the first day of May next, or after any earlier notice of this Act, except in the cases before excepted.<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Thomas] McKean, Mr. [William Churchill] Houston, Mr. [Thomas] Burke.

A motion was made by Mr. [Theodorick] Bland, seconded by [Mr. Isaac] Motte, in the words following:<sup>2</sup>

<sup>1</sup> This motion, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 36, I, folios 133, 135.

<sup>2</sup> Bland's motion, and the proceedings following, were also entered in the manuscript Secret Journal, Foreign Affairs.

Whereas, there is great reason to believe that the communications of Congress to their minister at the Court of Madrid, and from him to Congress, have been and are intercepted by the machinations of the instruments of the Court of Great Britain;

*Resolved*, therefore, That                    be appointed, and he is hereby appointed, to reside at Cadiz, and authorized to receive and dispatch all letters to and from Congress to and from their minister at the Court of Madrid; and that be remitted him for the purpose of paying express couriers to and from that port to the Court of Madrid.

That a circumstantial account of the several actions and successes of our troops against those of the enemy since the battle of Camden, be transmitted through the aforesaid channel to our minister at the Court of Madrid, and a copy of the act of Virginia relinquishing their right to the navigation of the Mississippi.<sup>1</sup>

It was moved by Mr. [Samuel] Adams, seconded by Mr. M[eriwether] Smith, that the consideration of the motion be postponed, on which, the yeas and nays being required by Mr. [Theodorick] Bland:

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Sullivan,	ay	}	Mr. Montgomery,	ay	}
<i>Massachusetts,</i>			Clymer,	ay	
Mr. Adams,	ay	}	<i>Delaware,</i>		
Ward,	ay		Mr. McKean,	ay	}
<i>Connecticut,</i>			Van Dyke,	ay	
Mr. Huntington,	ay	}	<i>Maryland,</i>		
Root,	ay		Mr. Hanson,	ay	}
Wolcott,	ay		Carroll,	ay	
<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Clark,	ay	}	Mr. Bland,	no	}
Houston,	ay		M. Smith,	ay	

<sup>1</sup> This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, IV, folio 329.

<i>North Carolina,</i>			<i>Georgia,</i>			
Mr. Sharpe,	ay	} div.	Mr. Few,	ay	} ay	
Johnston,	no		Howly,	ay		
<i>South Carolina,</i>						
Mr. Bee,	ay	} div.				
Motte,	no					

So it was resolved in the affirmative.

*Ordered*, That a member be added to the committee on the letters and papers of E. Forman and J. Gibson, and report of the committee on the letter of F. Hopkinson, in the room of Mr. [Joseph] Jones, who is absent:

The member, Mr. [Daniel] Carroll.

The Board of War, to whom was referred the motion of Mr. [Theodorick] Bland, delivered in a report; Whereupon,

WAR OFFICE *March 24, 1781.*

SIR.

The Board have been honored with a reference of a motion respecting the travelling expences of Col. Wood. It appears to us that Col. Wood's expences ought to be paid as his situation is singular and what is done for him cannot establish a precedent for others. We would therefore beg leave to report the motion as made by Col Bland.<sup>1</sup>

*Resolved*, That the supreme executive of the State of Virginia be authorised and requested to appoint suitable persons to settle the accounts of Colonel Wood, respecting his command in superintending the prisoners under the Convention of Saratoga, and if they think it right to allow his reasonable travelling expences between the two posts which he superintends, with those for one servant while on that duty.<sup>2</sup>

A report from the Board of War on the memorial of Captain Bedkin:

A report from the same on the representation of Captain Lucas: and

Two other reports from the same, one on a letter from S. Miles, deputy quartermaster for Pennsylvania, the other

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 321.

<sup>2</sup> This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 147, VI, folio 325.



respecting the regiment of artillery artificers at Carlisle, were read.<sup>1</sup>

The committee to whom were referred J. Wilkinson's letter respecting the cloathier's department, the report of the Board of War on that subject, &c., delivered in a report; Whereupon,

*Ordered*, That on the application of James Wilkinson, cloathier general, approved by the Board of War, a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for four thousand dollars of the new emission, to enable him to discharge in part the arrearages due to the officers in the cloathing department, and for which sum the said James Wilkinson, cloathier general, is to be accountable:<sup>2</sup>

*Ordered*, That the farther consideration of the report be postponed.

A motion was made by Mr. [Theodorick] Bland respecting the cloathing department:

*Ordered*, That it be referred to the foregoing committee.

*Ordered*, That the report of the Board of War on the letter of S. Miles, deputy quartermaster, be referred to the delegates of Pennsylvania.

A letter, of this day, from the Board of War, was read; Whereupon,

WAR OFFICE March 24, 1781

SIR

The Board have given the orders to Col Wood respecting the Convention Prisoners. It will be necessary for an American Officer to go with the British Officers to Connecticut. For this purpose money should be furnished Col. Wood to bear the expences of the Officer he will send with the British Officers. We have no means of furnishing it unless Congress will please to direct,

That a warrant for fifteen thousand dollars in Bills of the old Emissions be drawn on Thomas Smith Loan Officer of the State of Penn-

<sup>1</sup> The Board of War report respecting Samuel Miles is in the *Papers of the Continental Congress*, No. 27, folio 131.

<sup>2</sup> The report of which this paragraph is a part is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 257. Set *ante*, Vol. XVIII, p. 1018.

sylvania in Favor of Col. James Wood to enable him to furnish an Officer to be sent to Connecticut on public business with moneys to bear his Expences; Or

*Resolved*, That the executive of the State of Maryland be and hereby are requested to pay to Colonel James Wood, superintending the Convention prisoners, fifteen thousand dollars of the old emissions, or an equivalent in the bills emitted pursuant to the act of Congress, of the 18 March, 1780, to enable him to comply with the orders he has received from the Board of War, and charge the same to the United States, for which sum he is to be accountable.<sup>1</sup>

A memorial from the honorable the Minister of France was read:

The Chevalier de la Luzerne, minister plenipotentiary of France, by a memorial informed Congress, That the king, being made acquainted with the situation of the affairs of the confederacy, had resolved to continue during the next campaign the land and sea forces which are now in this continent. That unforeseen obstacles had prevented the junction of the second division of sea forces with the first, as soon as was expected; but that it was to sail as soon as possible; and that Congress should use their utmost exertions to have their army ready for action without the least delay.

But while the king, actuated by his love for the United States, of his mere motion was giving them succours which he was under no obligation to do, and out of regard to them lessened the efforts which he could have made for his own advantage, he had reason to expect a proportionable activity from Congress; and he hopes that the United States, which have so much to gain or lose by the issue of the contest, will employ all their resources in the present conjuncture; and that the Congress which is entrusted with their dearest interest will hasten to

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 317.

adopt effectual measures for conducting matters to a happy issue.

The Chevalier de la Luzerne, when he communicated to the king the news of the final ratification of the confederation, thought himself warranted to assure his majesty that this event would have a happy influence on the councils of this republick; that they would thereby acquire all the energy necessary for conducting the important business entrusted to them; that the union would receive new force; and he did not doubt but the ensuing campaign would give decisive proofs of this. And the minister relies that his hopes, which are the same as are entertained by the whole continent, will not be disappointed. It is at the same time essential, while Congress are making the necessary arrangements for the ensuing campaign, that they should know for certain that they are to count only on their own resources for defraying the expenses that it will require. The frankness of the king, and the friendship he bears to the United States, will not permit him to encourage an error which they appear to be in, with respect to the pecuniary aids which they seem to expect. The desire of securing their independence had induced his majesty to exceed the measure of the engagements he had contracted with them; and he will continue to support their interests, either by powerful diversions or by immediate succours; and they may rely not only on his most scrupulous punctuality in the execution of his engagements, but upon all the extraordinary assistance which it will be in his power to give them. But as to pecuniary aids, the enormous expenses of the present war, and the necessity of preserving credit, which is the only means of providing for those expenses, do not permit his majesty's ministers to give Congress the least hope in that respect. The Chevalier de la Luzerne will not

dissemble that his court was exceedingly surprised on being informed of the step which Congress had taken in disposing of bills drawn on their minister, although they could not be ignorant that they had no funds for discharging them. This is a conduct totally inconsistent with that order which his majesty is forced to observe in his finances, and he has no doubt but, in future, Congress will most studiously avoid a repetition of it. He has nevertheless resolved to discharge the bills which became due last year, to the amount of one million of livres; and it is probable his majesty will be able to provide funds to the amount of three millions for the discharge of those which will become due in the course of the present year. The king's ministers have also procured for Mr. Franklin, whose zeal, wisdom and patriotism deserve their utmost confidence, the sums necessary for the purchase he is ordered to make. These expenses, joined to those occasioned by sending a fleet and army to this continent, far exceed what Congress had a right to expect from the friendship of their ally; and the Chevalier de la Luzerne is persuaded, that from this moment Congress will abstain from that ruinous measure of drawing bills of exchange without the previous knowledge and consent of his majesty's ministers. And as their attention is employed in what may be most for the convenience of the United States, they propose that Congress should furnish the fleet and army of his majesty which are in this country with the necessary provisions, and receive in payment bills on the treasury of France, which will be punctually discharged. As to the manner in which this arrangement may be made, the minister will have the honour of entering into a minute discussion with a committee which he begs Congress would be pleased to appoint to confer with him on the subject.

The above was referred to a committee of six, namely, Mr. [Joseph] Jones, Mr. S[amuel] Adams, Mr. [Thomas] Burke, Mr. [Thomas] McKean, Mr. [James] Madison and Mr. [John] Hanson.<sup>1</sup>

*Ordered*, That it be referred to the committee on the letter, of December 2, 1780, from Doctor Franklin, and that three members be added to that committee:

The members, Mr. [Thomas] McKean, Mr. [James] Madison, Mr. [John] Hanson.

The Medical Committee delivered in a report.

Adjourned to 10 o'Clock on Monday.

MONDAY, MARCH 26, 1781

A letter, of 21, from General Washington; and

A letter, of 15th October, from W. Carmichael, were read.<sup>2</sup>

A letter, of 10th, from the governor of Massachusetts; and

A letter, of 10, from the senate of Massachusetts, were read:<sup>3</sup>

*Ordered*, That the letter from the senate be referred to a committee of three:

The members, Mr. [Samuel] Adams, Mr. [James] Duane, Mr. [Oliver] Wolcott.

A letter, of 19, from the governor of the State of New York to the delegates of that State, was read:

*Ordered*, That it be referred to a committee of three:

The members, Mr. [John] Sullivan, Mr. [Thomas] McKean, Mr. [William Churchill] Houston.

A petition of William Kinnan was read:<sup>4</sup>

<sup>1</sup> This memorial was entered only in the manuscript Secret Journal, Foreign Affairs. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 328.

<sup>2</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 21. Carmichael's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), IV, 99.

<sup>3</sup> The Governor's letter is in the *Papers of the Continental Congress*, No. 65, I, folio 517; that of the Senate is on folio 521.

<sup>4</sup> This petition, dated March 26, 1781, is in the *Papers of the Continental Congress*, No. 41, V, folio 79.

*Ordered*, That it be referred to the Board of Treasury.

A memorial of John Henderson, in behalf of O. Pollock, was read:<sup>1</sup>

On motion of Mr. [Thomas] McKean, seconded by Mr. [Joseph] Montgomery:

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Joseph Carleton, paymaster of the Board of War and Ordnance, for thirty thousand dollars new emissions, to enable the Board of War to comply in part with their contract for shot and shells.

A letter, of 22 February, from the governor of Virginia, was read, with a memorial enclosed from Messrs. Stodder, Kerr and North;<sup>2</sup> Whereupon,

On motion of Mr. [James] Madison, seconded by Mr. M[eriwether] Smith,

*Ordered*, That authenticated copies of the said memorial, protests and affidavits, be transmitted to the hon. John Adams, and that he be instructed to represent the case to which they relate to their High Mightinesses the States General of the United Provinces of the Netherlands, and to claim such redress for the memorialists as justice and the law of nations require.<sup>3</sup>

According to the order of the day, the motion of Mr. [James] Madison was taken into consideration, and after debate:

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This memorial, undated, is in the *Papers of the Continental Congress*, No. 41, IV, folio 177.

<sup>2</sup> The Virginia letter is in the *Papers of the Continental Congress*, No. 71, II, folio 45; the memorial of Stodder, Kerr, and North is in No. 41, IX, folio 133.

<sup>3</sup> This order and the preamble were also entered in the manuscript Secret Journal, Foreign Affairs.

## TUESDAY, MARCH 27, 1781

A letter, of 19, and one, of 21, from the governor of Virginia, were read:<sup>1</sup>

*Ordered*, That the letter, of 21, be referred to the Board of War to take order.

A letter, of 21, and one, of 24, from Colonel Pickering, quartermaster general, were read, with sundry papers enclosed:<sup>2</sup>

*Ordered*, That they be referred to the Board of War.

A letter, of this day, from J. Wilkinson, cloathier general, was read, desiring leave to resign:

*Ordered*, That his resignation be accepted.

A letter, of 23, from the governor of Maryland, was read.<sup>3</sup>

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *March 22<sup>nd</sup> 1781*

Whereas Congress did by their Act of the 15 day of February last authorize Joseph Howell Jun<sup>r</sup> one of the Auditors of accounts for the Main Army to open his office in Philad<sup>a</sup> for the purpose of settling such accounts as come properly before him as Auditor aforesaid, and whereas a variety of accounts in consequence thereof have been presented to him and settled: whereby it becomes necessary, that during the residence of the aforesaid Auditor in Philad<sup>a</sup> there should be a power lodged with some Board, that may supersede the necessity of reporting such accounts to the Commander in Chief, or commander of a detachment as is directed by the Ordinance establishing the Auditor aforesaid which directs,

“He shall present the accounts settled by him, and the abstract, with certificate of what is due, to the Commander in Chief, or commander of a detachment having a Military chest, who shall thereupon unless he has reason to the contrary, issue warrants on the Pay Master, or D<sup>e</sup> Pay Master Gen<sup>l</sup> in discharge thereof,” Whereupon the following resolution is submitted:

<sup>1</sup> The letter of 19 is in the *Papers of the Continental Congress*, No. 71, II, folio 57; that of 21 is on folio 67.

<sup>2</sup> The letter of March 21 is in the *Papers of the Continental Congress*, No. 147, VI, folio 453; that of 24 is on folio 427.

<sup>3</sup> Wilkinson's letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 297; the Maryland letter is in No. 70, folio 461.

*Resolved*, [That the Board of War be, and they are hereby, authorised to receive and examine such accounts as shall be reported to the said Board by Joseph Howell, jun. one of the auditors for the main army during his residence in Philadelphia, and to issue their warrants on the paymaster general, or deputy paymaster, in discharge of such of the accounts aforesaid as the said Board shall judge proper and necessary, in the same manner as the Commander in Chief, or commander of a detachment having a military chest, are directed by the ordinance of the 30th July, 1779.<sup>1</sup>

Another report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of George Bond, deputy secretary to Congress, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twenty thousand dollars old emissions on account of his salary, and for which he is to be accountable:<sup>2</sup>

That on the application of John L. Clarkson, clerk to the Board of Treasury, a warrant issue in his favor on Thomas Smith, commissioner aforesaid, for ten thousand dollars old emissions, on account of his salary, and for which he is to be accountable].<sup>3</sup>

The motion of Mr. Madison was again taken into consideration; and thereupon, the following ordinance was passed:

An ordinance relative to the capture and condemnation of prizes.

The United States in Congress assembled, taking into consideration the implacable war waged against them by the King of Great Britain, and judging it inconsistent with their dignity as a free and independent nation, any longer to continue indulgences and exemptions to any of the subjects of their enemy, who is obstinately bent upon their destruction or subjugation, have thought proper to ordain and

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 189.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 209.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 203.

The portion in brackets was entered in the Journal by George Bond.



order, and it is hereby ordained and ordered, that henceforward general reprisals be granted against the ships, goods and subjects of the King of Great Britain; so that as well the fleets and ships of these United States, as also all other ships and vessels commissioned by letters of marque or general reprisals, or otherwise, by the authority of the United States in Congress assembled, shall and may lawfully seize all ships, vessels and goods, belonging to the King or Crown of Great Britain, or to his subjects or others inhabiting within any of the territories or possessions of the aforesaid King of Great Britain, and bring them to judgment in any of the courts of admiralty that now are or hereafter may be established in any of these United States by the authority of the United States in Congress assembled: and the said courts of admiralty are hereby authorized and required to take cognizance of and judicially to proceed upon all and all manner of captures, seizures, prizes and reprisals of all ships and goods that are or shall be taken, and to hear and determine the same, and, according to the course of admiralty and the laws of nations, to adjudge and condemn all such ships, vessels, and goods, as shall belong to the King of Great Britain, or to his subjects, or to any others inhabiting within any of the countries, territories or dominions, or possessions of the aforesaid King of Great Britain.

And that the Board of Admiralty or Secretary of Marine forthwith prepare, and lay before the United States in Congress assembled, a draught of instructions for such ships or vessels as shall be commissioned for the purposes above mentioned.

And it is hereby farther ordained, that the destruction of papers, or the possession of double papers, by any captured vessel, shall be deemed and taken as just cause for the condemnation of such captured vessel; and that [when any prize, having been taken and possessed by the enemy twenty-four hours, shall be retaken from them, the whole of such re-captured prize shall be condemned for the use of the re-captors; but in cases where the prize shall have continued in the possession of the enemy less than twenty-four hours, it shall be restored to the original owner or owners, except one-third part of the true value thereof, which shall be allowed as salvage to the re-captors].<sup>1</sup>

And it is hereby farther ordained, that the citizens and inhabitants of these United States be, and they hereby are, strictly enjoined and required to abstain from all intercourse, correspondence or dealings

<sup>1</sup> The substance of the part in brackets, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 36, I, folio 127. Another version, in the writing of James Madison, is on folio 131.

whatsoever, with the subjects of the said King of Great Britain, while at open war with these United States, as they will answer the same at their peril; and the executives of the several states are hereby called upon to take the most vigilant and effectual measures for detecting and suppressing such intercourse, correspondence or dealings, and bringing the authors thereof, or those concerned therein, to condign punishment.

And in order the more effectually to remove every colorable pretence for continuing such intercourse, it is hereby ordained that from and after the first day of November next, no benefit shall be claimed from, nor countenance or regard paid to any letters of passport or safe conduct, heretofore granted by the Congress of the United States, to any of the citizens or inhabitants thereof, or to any person or persons whatever, for the removal of their property or effects from places within the dominions or possessions of the said King of Great Britain:

Provided always, that this ordinance shall not extend to authorize the capture or condemnation of any vessel belonging to any inhabitant of Bermudas, which, being loaded with salt only, may arrive in any of these United States, on or before the first day of May next.

And it is hereby ordained, that all former acts or resolutions of Congress, contrary to the tenor, true intent and meaning of this ordinance, be and they are hereby repealed.

Done by the United States in Congress assembled, the twenty-seventh day of March, in the year of our Lord one thousand seven hundred and eighty-one, and in the fifth year of our Independence.

The United States in Congress assembled proceeded to the election of a deputy purveyor of the hospital for the southern army, and, the ballots being taken and counted, Dr. Nathan Brownson was elected, he having been previously nominated by Mr. [Samuel] Adams.

Adjourned to 10 o'Clock to Morrow.

#### WEDNESDAY, MARCH 28, 1781

The Board of Admiralty, pursuant to the order of Congress of June 8, 1780, and directions afterwards given respecting public cloathing and military stores, delivered in a report, accompanied with a number of papers, which was read.

Pursuant to the Resolution of Congress of June the 8<sup>th</sup> 1780, and that of October 25<sup>th</sup> in the same year the Board of Admiralty beg leave to Report,

That as soon as they received the direction of Congress of the 25<sup>th</sup> of October they sought for the reasons of the Cloaths and military stores not being exported from France of such persons as had been in France, and had arrived here previous to that direction, and also from such others as afterwards came hither from that Kingdom, who it was thought were capable of furnishing any information on that subject, and from time to time reported the result of their inquiry, until the arrival of Capt. Jones. On his arrival the Board resumed that business, and in order to become acquainted with his conduct during his absence and to investigate the causes of the cloathing and military stores not being exported they thought proper to prepare and lay before him a number of Questions relative to these points, and to require his answer to them in writing, beginning with his departure from New Hampshire in the *Ranger*, the 1<sup>st</sup> Day of November 1777, and ending with his departure from France. In pursuance of this plan a number of questions were drawn up and presented. At the time they were presented to him, the Board conceiving that in the restrained mode of question and answer, he might not be able to communicate his sentiments so fully as he and they could wish, they desired him to subjoin to his answers all such matters as he should think would throw light on their inquiry.

The Questions (and answers) with a great number of letters handed by him to the Board, accompany this Report; such of the letters as appeared to relate more immediately to his answers are referred to in the margin thereof; the rest are arranged in Files, according to their number and dates, and some of them which regard particular subjects and transactions are in separate parcels, with labels, denoting their contents; These letters are put up in four bundles, the first marked A from No. 1 to 10, the second marked B from 11 to 20, the third marked C from 21 to 30, and the fourth marked D from 31 to 42 inclusive, a list of the packages and letters in each bundle is thereunto annexed.

The Board have read all those letters with as much attention as numberless applications and the urgency of Congress for a Report would allow, and upon the whole are fully satisfied that the cloathing and military stores procured in consequence of the application of the Honorable Congress to his most Christian Majesty not coming out in season, hath not been owing in any measure to a want of the closest attention to that business, either in the Minister Plenipotentiary of these States, or to Captain Jones, who have on the contrary made every application and used every effort, to accomplish that purpose, but that it was owing to Captain Landais' taking the Command of

the *Alliance*, contrary to the express orders of Doctor Franklin, and proceeding with her to America.

It was the intention of Captain Jones to have bro't out a large quantity of stores in the *Ariel*, which he had borrowed of Government for that purpose, under the convoy of the *Alliance*, which also could have taken in a considerable quantity; but this plan was frustrated by the malconduct of Landais as before mentioned, for which, and other malconduct he was on the 6<sup>th</sup> Day of Jan<sup>y</sup>. 1781. sentenced by a court martial to be broke, and rendered incapable of serving in the American Navy for the future.

His conduct previous to his reassuming the Command of the *Alliance* and during the cruize or expedition to the North Seas, was not brought before the court martial, because Captain Jones, who had exhibited charges against him, to the Admiralty Board was not present to support them, and to institute a prosecution against him, after a dismissal from the service, hath been thought improper.

After this short digression, the Board proceed to report that the plan for bringing out the cloathing &c. being frustrated in manner aforesaid, Captain Jones endeavoured to obtain from the minister of the marine of France an additional Vessel for that purpose, and this failing applied for a larger Ship than the *Ariel*, requesting several Gentlemen of distinguished character, to back his application, but neither the one or the other could be effected. Things being in this situation he sailed from France with the articles of stores and dispatches mentioned in his answers. Unable to inform the Board with certainty what persons purchased the cloathing &c and who were charged with the shipping of it, he referred them for information to M<sup>r</sup>. Sam<sup>l</sup>. Wharton, to whom the Board have written on this subject. Their letter marked A. with his answer marked B accompany this report.

From M<sup>r</sup>. Wharton's answer, and other corroborating letters and information, it appears that no money was furnished by the Court of France to the Minister Plenipotentiary of these States, or his Banker to enable him to procure cloathing.

That the French Court gave a Commission for that purpose to its own agent Monsieur Le Ray de Chaumont, and he either received the money, or was authorized to draw upon the Treasury of France for payment thereof. That M<sup>r</sup>. Jonathan Williams of Nantes was employed by him to buy it. That at L'Orient Mess<sup>rs</sup> Gourelade & Moylan are Monsieur Chaumont's agents for shipping the cloathing and military stores, and that they as well as M<sup>r</sup>. Williams act wholly by orders from him.

Captain Jones was asked by the Board after he had given in his answers to their questions, whether he heard any thing respecting the hiring of a ship to bring out the cloathing &c after his return in the *Ariel* to L'Orient. His answer was "after my return I heard of M<sup>r</sup> Chaumont's hiring a ship called the *Marquis de La Fayette* for that purpose. I do not know when she would come out; she was at Bourdeaux when I sailed."

A quantity of public cloathing purchased by M<sup>r</sup> John Ross, and not part of that procured in consequence of the application made by the Honorable Congress to his Most Christian Majesty, was with some private property shipped by him on board the Brigantine *Luke*, which sailed under convoy of the *Ariel*, and was forced back to France by the same storm, in which she was dismasted. This Brigantine sailed the second time about the last of October without convoy and was taken. The *Ariel* sailed the 18<sup>th</sup> of December after waiting ten or twelve days for the dispatches. How it came to pass that the public property was thus hazarded and lost when by detaining the Brigantine about a month she might have been convoyed by the *Ariel*, we leave to M<sup>r</sup> Moylan the owner of said Brigantine to explain. It is not our business to criminate. It is our duty to Report facts. Captain Jones hath declared to the Board, that neither Gourolade or Moylan ever spake to him respecting the *Luke's* sailing under convoy of the *Ariel* after her return to L'Orient.

With regard to the conduct of Captain Jones, the Board beg leave to report, that the views of the Marine Committee in sending Capt. Jones and his views in going in the *Ranger* to France were, that he might take the command of the *Indian* a Ship that was building in Amsterdam on a new construction under a contract made by the Commissioners of these States at Paris and with her in concert with the *Ranger*, annoy the trade and coasts of Great Britain. When he arrived at Nantes, the Commissioners sent for him to Paris; after remaining there some time he was informed, that they had assigned their property in the Ship *Indian* to the King of France.

Captain Jones returned to Nantes; plans and undertakes a secret expedition in the *Ranger*. His designs and success appear at large in his answer to the 2<sup>d</sup> Question. He leaves the *Ranger* at the instance of the Court of France, to take the command of the *Indian*. He is disappointed and takes the command of the *Bon Homme Richard*, the property of the King, and of a squadron at the expence of the Crown of France under the Commission and flag of the United States of America. The *Alliance* was made part of the said squadron, and put under orders by D<sup>r</sup> Franklin. This Squadron was at

first committed to his discretion, and he had a variety of objects in view. His first, second, and last objects are pointed out in his answer to the 12<sup>th</sup> question. The orders which he received in Europe will best explain the objects of the Court of France, and of the American Minister at that Court.

His success in the expedition with the squadron from L'Orient round the West of Ireland, North of Scotland, and East of England to the Texel appeared in a particular account thereof transmitted by Captain Jones to the President of Congress, and is one of the papers herewith presented.

That ever since Captain Jones first became an officer in the Navy of these States, he hath shown an unremitted attention in planning and executing enterprizes calculated to promote the essential interest of our glorious cause. That in Europe, although in his expedition through the Irish Channel in the *Ranger* he did not fully accomplish his purpose yet he made the Enemy feel, that it is in the power of a small squadron under a brave and enterprising Commander to retaliate the conflagration of our defenceless Towns, and took the *Drake*, a Ship in number of Guns and Men superior to the *Ranger* which she was sent out to capture. That by his reputation and address, he obtained the Command of a Squadron under the Flag and Laws of these States, at the expence of our generous allies, and therewith captured the *Serapis*, and *Scarboroughh*, spreading universal alarm through the Island of Great Britain, and its dependencies. That in his expedition with that squadron, he made a number of prisoners sufficient to redeem all our fellow citizens in British Dungeons, and established a Cartel for their exchange.

That he hath made the Flag of America respectable among the Flags of other nations. That returning from Europe he brought with him the esteem of the greatest and best friends of America, and hath received from the illustrious Monarch of France, that reward of war-like virtue which his subjects obtain by a long series of faithful services or uncommon merit.

The Board are of opinion that the conduct of Capt: John Paul Jones merits particular attention, and some distinguishing mark of approbation from the United States in Congress assembled.

Signed by order of the Board

FRA: LEWIS.

ADMIRALTY BOARD

March 28<sup>th</sup> 1781.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 37, folio 363.

## THURSDAY, MARCH 29, 1781

A memorial of Captain Le Vacher de St. Marie was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War to take order for three months' pay, the resolution of the 4 January notwithstanding.

A letter, of 24, from Doctor W. Burnet, was read, signifying his acceptance of the office of chief physician and surgeon of the hospital.<sup>2</sup>

A report from the Board of Treasury on the letter of John Lawrence, treasurer to the State of Connecticut, was read; Whereupon,

TREASURY OFFICE, March 26<sup>th</sup>, 1781.

The Board of Treasury on the letter of John Lawrence, Treasurer to the State of Connecticut and late commissioner of the loan office in the said State, accompanied with a letter of the same date from his Excellency Governor Trumbull to them referred, beg leave to report,

*Ordered*, That the treasurer of the United States be directed by the Board of Treasury to draw an order on the said John Lawrence, treasurer aforesaid, in favour of Ephraim Blaine, commissary general of purchases, for the sum of one million of dollars, in part discharge of a warrant drawn in his favour by the President of Congress on the said Lawrence, as treasurer to the State aforesaid, for one million three hundred and twenty-nine thousand one hundred and fifty dollars, dated the 1st day of July last, which is to be substituted in place of a warrant to be returned and cancelled at the treasury, drawn by the President of Congress on the said J. Lawrence, as commissioner of the loan office in the State aforesaid, dated the 24th of January, 1780, in favour

<sup>1</sup> This memorial, dated March 28, 1781, is in the *Papers of the Continental Congress*, No. 78, XVI, folio 163.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 153.

of the said E. Blaine, and hath been paid out of the monies raised in the said State for the use of the United States.

On a farther report from the Board of Treasury on the letter, of 13 instant, from J. Pierce, paymaster general:

*Ordered*, That for the discharge of the pay and subsistence due to the main army on the estimate exhibited by the said J. Pierce, of the 11 December last, John Lawrence, treasurer to the State of Connecticut, be and he hereby is authorized and directed to pay to the order of the aforesaid John Pierce, paymaster general, eight hundred forty-four thousand eight hundred and thirty-six dollars, the residue of a warrant drawn on him by the President of Congress for eight hundred and sixty-four thousand eight hundred and thirty-six dollars, in favour of Colonel Palfrey, late paymaster general, assigned by him to Thomas Reed, deputy paymaster general, for the pay of the army, dated 17 April, 1780, and for which he hath given his promissory note on taking up the aforesaid warrant, as appears by his letter, of the 31 January last, to the Board of Treasury;

That the treasurer of the United States be directed by the Board of Treasury to draw an order on Henry Gardner, treasurer to the State of Massachusetts, in favour of John Pierce, paymaster general, for the sum of two million two hundred and eighty-one thousand nine hundred and forty-four dollars old emissions, payable out of the monies due on the quotas raised by the said State for the use of the United States, for which said sums, amounting to three millions one hundred and twenty-six thousand seven hundred and eighty dollars old emissions, the said paymaster general is to be accountable.

The board on the memorial of John Lloyd transmitted to Congress in his Letter of the 28<sup>th</sup> of February last, beg leave to report

That they have already reported at two several times upon the case of M<sup>r</sup> Lloyd viz<sup>t</sup> on the 23<sup>d</sup> of March 1780 and on the 2<sup>d</sup> of January 1781; to which they beg leave to refer: and they are of opinion



there is nothing contained in his last letter and memorial that should induce Congress to order payment in loan office certificates of the date he mentions.<sup>1</sup>

On a farther report from the Board of Treasury on a letter from Messrs. Burrall and McCall, extra commissioners of accounts, dated Hartford, March 8, 1781:

*Ordered*, That a warrant issue on John Lawrence, treasurer for the State of Connecticut, in their favour for thirty thousand dollars each in bills of the old emissions, on account of their salary, and for which they are respectively to be accountable.

A petition of Henry Armistead was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of Treasury.

A memorial of George Tudor, late of the 5th Pennsylvania regiment; and

A letter from B. Bankson, one of the clerks in the office of the commissary of issues, were read, with sundry papers enclosed:

*Ordered*, That they be referred to the Board of War.

A petition of Frederick Bicking; and

A memorial of Jacob Geiger, were read.<sup>3</sup>

The Board of War, to whom was referred the letter, of 21, from the governor of Virginia; and

The delegates of Pennsylvania, to whom were referred the letter from S. Miles and report of the Board of War thereon, delivered in their several reports; Whereupon,

WAR OFFICE *March 28<sup>th</sup> 1781*

SIR,

The Board have in consequence of that part of Governor Jefferson's letter ordered off as many Musket Cartridges from the small

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 195. The last paragraph was postponed, as the indorsement shows, and on October 27 Lloyd's memorial was referred to the comptroller.

<sup>2</sup> This petition is in the *Papers of the Continental Congress*, No. 78, I, folio 401.

<sup>3</sup> Tudor's memorial, dated March 26, 1781, is in the *Papers of the Continental Congress*, No. 41, X, folio 121; the Bankson letter, signed by Geo. Bensell and B. Bankson, Jun., is in No. 78, IV, folio 157; Bicking's petition, dated March 27, 1781, is in No. 42, I, folio 246; Geiger's memorial, dated March 28, 1781, is in No. 41, III, folio 479.

stock the Commissary General has on hand as can possibly be spared. The distress evidenced by this letter is but the beginning of the misfortunes which must inevitably fall both on the Main and Southern Armies for the want of Ordnance Stores of almost every description which are in the whole deficient tho' we have most of the Article of powder. Of Lead Flints and Cartridge paper there is an absolute want, and even the smallest supply would be of service to keep our affairs in this way from total stagnation. If four thousand dollars in Specie or the value of it in current money could be furnished immediately in part of the general estimate, we should be enabled to buy about ten Tons of Lead and a small supply of Flints, Cartridge paper and thread. If Congress should think proper to be informed of the quantities of those articles or any others in the Ordnance Department on hand the Board will be happy to give the information at a moment's notice. We cannot add to the repeated representations we have made on the necessity of enabling the Commissary General of Military Stores to prepare the stores necessary for the Army and without which no operation can be undertaken. The estimates already before Congress sufficiently shew the nature and necessity of the articles wanted and the danger of their not being supplied and prepared.

If the sum now asked for is more than [can] be furnished, any sum that can be given shall be expended so as to produce as many of the articles as possible.

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for four thousand dollars of the new emission, in favour of the commissary general of military stores for the purchase of articles mentioned in the said report; and that this warrant be paid in preference to any others heretofore issued:<sup>1</sup>

The Delegates of Pennsylvania to whom was referred the Report of the Board of War with a letter of Samuel Miles Dr. Qr Mr Gen<sup>l</sup> for Pennsylvania Report as follows,

That they have conferred with the executive council of Pennsylvania and found in them a ready disposition to advance the sum required in Colo. Miles's estimate, to enable the first division of the Pennsylvania line to begin their march, but that having already

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 347.

advanced to Colo. Miles the sum of Three thousand five hundred pounds for the service of the United States, on his personal obligation, they thought it but reasonable on the new advance consented to that a warrant comprehending both sums should be issued by Congress in their favor, in which sentiment the Delegates concur with the Council and therefore submit the following Resolution,

*Ordered*, That a warrant issue on the treasurer of the United States for ~~twelve thousand nine hundred and thirty-three dollars~~ thirteen thousand four hundred and sixty-six dollars and two-thirds of a dollar new emission, in favour of the supreme executive council of Pennsylvania, being the amount of monies advanced at sundry times to Colonel S. Miles, deputy quartermaster general for Pennsylvania by the said council for the service of his department, for which sum the quartermaster general is to be accountable.<sup>1</sup>

The committee to whom was referred the letter, of 22, from B. McClenachan and others, respecting the purchase of cannon, report that the Board of Admiralty, who were empowered to take order respecting that matter, have finished the business, and that the said B. McClenachan and others have obtained an order from the Board for the delivery of ten pair of cannon.

A letter, of 29, from J. Patton and Robert Coleman, was read;<sup>2</sup> Whereupon,

*Ordered*, That the money arising from the sale of the cannon mentioned in the foregoing report be applied to enable the Board of War to comply with their contract for shot and shells.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Mr. S[amuel] Johnston, one of the dele-

<sup>1</sup> This report, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 20, II, folio 119.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 365.

gates of North Carolina, on his application, for twenty thousand dollars old emissions, for which the said State of North Carolina is to be accountable.<sup>1</sup>

The committee to whom was referred the letter, of the 19, from the governor of New York;

The committee on the letter, of 9th, from Alexander McDougall;

The committee on the letter, of 13, from R. Morris; delivered in their several reports:

The Committee to whom was referred the letter of the 13 inst from Robert Morris, Esq<sup>r</sup> on the subject of the office and duties of the Superintendant of Finance, report.

That they have attentively considered the said letter, and have called upon M<sup>r</sup> Morris for such further and particular explanations as appeared necessary. His letter to the Committee they have annexed to their report for the satisfaction and information of Congress.

On the whole matter committed to them they submit the following Resolutions:

That the Superintendant of Finance be, and he hereby is, authorised to remove from office or employment for incapacity, negligence, dishonesty or other misbehaviour all persons entrusted

Negatived.  
with and immediately employed in the expenditure of the public money, and also all such as are, or shall be, in his judgment unnecessary: provided that such power of removal from office shall be limited to the duration of the present war.

That he be authorised to exercise a like power with respect to those who are immediately entrusted with the issues or expenditure of public supplies, stores, or other property.

That he be authorised to exercise a like power with respect to those who are employed in stating, examining and passing the public Accounts; and all receivers of the Continental Revenues of the United States.

That the said Superintendant of Finance shall exercise the aforesaid powers so far forth only as any of the persons who may be affected by them, act in a civil capacity: and such Powers shall not extend to interfere with the rank or Commission of any Officer in the line of the Army.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 211.

That when any person is removed, as aforesaid, the Superintendent of Finance shall transmit to such authority, Board, Minister or Officer to whom it may belong to supply the vacancy, the name of any person so removed, and report to Congress the reasons for such removal.

That the Superintendent of Finance be authorised and directed, whenever he shall deem it expedient, to put in Arrest by order in Writing any of the persons herein before described as employed or entrusted with the expenditure or issues of public money or stores, who are, or shall be amenable to the law martial and who shall appear to him to have committed any waste, embezzlement or misapplication of the public money, stores or other property, and to give immediate notice of such arrest to the officer whose duty it may be to order a Court of Enquiry or Court-martial as the nature of the case may require: and such Officer is hereby directed to order proceedings on the said arrest in like manner as if the same had been ordered by a military Officer duly authorised.

That the foregoing powers shall not extend to those who are, or shall be, duly entrusted with money for secret services, they being accountable to Congress only, the Commander in Chief or such person or persons as they may respectively appoint for that purpose.<sup>1</sup>

*Ordered*, That the report on the letter from Major General A. McDougall be taken into consideration to Morrow, and that on the letter from Mr. Morris on Saturday next.

The report of the Board of War on the representation of Captain John Lucas was taken into consideration; Whereupon,

AT A BOARD OF WAR *March 20<sup>th</sup> 1781.*

Present M<sup>r</sup> Peters

Gen<sup>l</sup>. Cornell.

The Board have considered the reference with which they were honored by Congress on the memorial of Captain Lucas, and beg leave to observe, that it appears by the enclosed certificate (to which we beg the particular attention of Congress) that Captain Lucas has pay due him for a considerable time in the Continental bills, which is at this time of but little value, and no mode as yet settled for making good the depreciation to Officers, except by the States to which they belong; at the same time they must further observe,

<sup>1</sup> This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, IV, folios 309-311.

that Captain Lucas has received in the new Bills one hundred and forty eight dollars, which is only two dollars short of three months pay and subsistence. If from the foregoing state of facts, and the distressed situation of Georgia, in which line he is, and the utility of his going to the southern Army there should appear sufficient inducements for Congress to order any further sum advanced, it may be proper to resolve,

*Ordered*, That the Board of War draw a warrant on the paymaster general, in favor of Captain John Lucas of the late Colonel White's regiment of the Georgia line, for three months' pay and subsistence equal to one hundred and fifty dollars of the new emission on account, to enable him to join the southern army.

N B The Board beg leave to observe that there is a number of Officers belonging to the Georgia line nearly in the same situation with Captain Lucas on account of pay scattered in the Country.<sup>1</sup>

The delegates of Georgia laid before Congress sundry papers relative to the captivity of Sir James Wright, and the parole given by him, and the violation of that parole:

*Ordered*, That the same be referred to a committee of three:

The members, Mr. [George] Walton, Mr. [James Mitchell] Varnum, Mr. [Thomas] Bee.

[A report from the Board of Treasury on the letter of Aaron Levy was read; Whereupon,

*Resolved*, That until the loan offices of South Carolina and Georgia be fixed, and public notice thereof given, agreeably to the resolution of Congress of the 3d of August last, the treasurer of the United States be empowered to issue loan office certificates in discharge of interest that is or shall be due on loan office certificates issued from either of the loan offices aforesaid, in the same manner and upon the same principles as certificates for interest are issued from other loan offices.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, V1, folio 311.

The Board of Treasury have considered the memorial and papers presented to Congress by Nathaniel Rochester in behalf of Colonel Thomas Hart and beg leave to report

That Colonel Thomas Hart's accounts ought to be settled in the southern department, where they were contracted, and paid out of the monies arising from the quotas of the Southern States.

The Board of Treasury, to whom was referred the petition of Isaac da Costa, report:

"That for the payment of the interest due on the Certificates said to have been taken out of the loan office of South Carolina, the Petitioner be referred to Michael Hillegas, in pursuance of the act of Congress of the 3d of August last;

That payment of the principal sums of the said Certificates in the present state of the finances cannot be made:"<sup>1</sup>

*Resolved*, That the United States in Congress assembled agree to the said report.]<sup>2</sup>

The report from the Board of War, respecting the regiment of artificers, was taken into consideration; and, thereupon,

WAR OFFICE March 28<sup>th</sup> 1781

SIR.

The Board have been honored with a reference of Colonel Pickering's letter of the 24<sup>th</sup> inst and beg leave to report on that part of it which relates to the Artificer Regiment which in our opinion requires immediate determination as there are a number of Officers drawing pay and rations whose services are on all hands agreed to be unnecessary. As to the subjecting the Artificers totally to the orders of the Commanding Officer of Artillery it was a suggestion of Colonel Pickering's. The same difficulties as to hiring will exist in the Ordinance as are supposed in the Department of Quarter Master General, the regiment of Artillery Artificers (one company whereof was always with the rank in the field) being also about to be dissolved. The Officers now with the Artillery Artificers we believe to be very capable and therefore it may be proper to retain these in preference to those of the other regiments. Not being competent judges of this we wish the matter to be left open for the determination of the Commander in Chief who will consult, no doubt both the Q<sup>r</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 205.

<sup>2</sup> The portion in brackets was entered by George Bond.

Master Gen<sup>l</sup> and the Commanding Officers of Artillery, and order the company to be employed, as well as officered, as shall be most expedient.

*Resolved*, That the regiment of artificers, commanded by Colonel Baldwin, be dissolved; and those of the non-commissioned officers and privates whose times of service are unexpired, and are now with the main army, be formed into one company, under such officers, and be employed in such way, as the Commander in Chief shall direct:

That the artificers with the southern army be also formed into one company, under a competent number of officers to be selected by the commanding general of that army:

That all officers of the regiment of artificers not retained by virtue of these resolutions, be no longer considered in the service of the United States.<sup>1</sup>

WAR OFFICE *March 23<sup>rd</sup> 1781*

SIR,

The Board have received information from Carlisle that the greater part of the regiment of Artificers there are liable to the same dispute with respect to their enlistments as induced the discharge of great numbers of the Pennsylvania Line. Finding this precedent established, we have given orders for the discharge of all the Men under this predicament. This part of the regiment will be reduced to about fifty Men and we see no prospects of reuniting it nor is it perhaps eligible under present circumstances that it should be so. We therefore deem it proper that Congress be pleased to direct,

*Resolved*, That all the non-commissioned officers and men of the regiment of artillery artificers at Carlisle, whose times of service are unexpired, be formed into one or more company or companies, and the officers at that place, except Captains Wiley and Jordan, be no longer considered in the service of the United States.

The discharge of so many of the Men of this regiment will throw still greater obstacles in the way of procuring the Ordnance supplies than have heretofore existed and involves the greater necessity of the

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 351.



Department being supplied with money that the articles may be procured on contracts which cannot be done without cash, tho' with it this method will probably turn out the cheapest and best mode of obtaining them.<sup>1</sup>

[Report of Committee on Letter from Charles Pettit A Q. M. G.]

The Committee Submit the following Report:

Your Committee report it as their opinion that no sufficient vouchers have been produced to authorize Warrants on the State Treasury of Virginia for the advances of that State to the late Quarter Master General's Department.

Nor have your committee any information or materials on which they can recommend the warrant requested by Col Finnie late Deputy Quarter Master General for 3,125,691 $\frac{3}{4}$  to discharge the debts due from his Department.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

#### FRIDAY, MARCH 30, 1781

A letter, of this day, from J. Pierce, paymaster general, was read;<sup>3</sup> Whereupon,

A motion was made by Mr. [John] Mathews, seconded by Mr. [Isaac] Motte,

That the honorable the house of assembly of Pennsylvania be requested to appoint a committee of their body to confer with a committee of Congress, on the recommendation of Congress to the several states to amend their laws, making the bills of credit, emitted under the authority of Congress, a legal tender. That a committee of three be now appointed to attend on the said proposed conference.

On the question to agree to this, the yeas and nays being required by Mr. [George] Clymer,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 335.

<sup>2</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, V, folio 115. The indorsement says: "Read 29<sup>th</sup> of March, 1781, and recommitted," and a note by Duane is added: "This recommitment superceeded by an Act of Congress, on motion ordering the warrant."

A memorial of Rachael Farmer was read on this or an approximate date and ordered to lie on the table, as the indorsement shows. It is in the *Papers of the Continental Congress*, No. 41, III, folio 244.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 165, folio 597.

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Sullivan,	ay	} *	Mr. McKean,	ay	} ay
<i>Massachusetts,</i>			Van Dyke,	ay	
Mr. Adams,	no	} no	<i>Maryland,</i>		
Lovell,	no		Mr. Hanson,	no	} div.
Ward,	no		Carroll,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Varnum,	no	} *	Mr. Madison,	no	} no
<i>Connecticut,</i>			Smith,	no	
Mr. Huntington,	no	} no	<i>North Carolina,</i>		
Root,	no		Mr. Burke,	ay	} ay
<i>New Jersey,</i>			Sharpe,	ay	
Mr. Witherspoon,	no	} no	Johnston,	no	
Clark,	no		<i>South Carolina,</i>		
<i>Pennsylvania,</i>			Mr. Mathews,	ay	} ay
Mr. Montgomery,	no	} ay	Bee,	ay	
Clymer,	ay		Motte,	ay	
Wynkoop,	ay		<i>Georgia,</i>		
			Mr. Few,	no	} *

So the question was lost.

A letter, of 29, from the Board of War, was read:<sup>1</sup>

*Ordered,* That the same, together with the letter from J. Pierce, be referred to a committee of three; and that the resolution, of 27, empowering the Board of War to draw warrants, be suspended:

The members, Mr. [James Mitchell] Varnum, Mr. [Abraham] Clark, Mr. [Nicholas] Van Dyke.

A letter, of this day, from Thomas Edison, was read:<sup>2</sup>

*Ordered,* That it be referred to the Board of Treasury.

A letter, of 29, from Wm. Geddes, was read;<sup>3</sup> Whereupon,

*Ordered,* That William Geddes have leave of absence for a few weeks.

According to the order of the day, the report of the committee on the letter from Major General McDougall was taken into consideration, and the same after debate, being postponed;

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 335.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, VIII, folio 361.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 315.

The Committee to whom was referred the Letter of Alexander McDougal dated the 9<sup>th</sup> of March 1781, beg leave to report,

That your committee, having Conferred with the said Alex: McDougal upon the subject of his Letter; and received his Explanation thereof more fully, are of opinion, that it would be unreasonable in Congress to desire this Acceptance of the Appointment of Secretary of the Marine, if by such Acceptance he may be deprived of his command in the army and forfeit the pay and future Emoluments annexed to his Rank; as he would thereby give up a better and more permanent Support for his Family; a circumstance, considering the losses he hath sustained and the Dependence of his Family upon him, very important in its consequences.

That your committee cannot determine as to the views of Congress in appointing the said Alex: McDougal to the Office of Secretary of the Marine, if it be thought that such an appointment is incompatible with his command in the army: and therefore your committee suppose that no such Incompability exists, and that the experience and ability of the said Alex: McDougal, in the present Situation of the Marine are essentially necessary in that Department. Whereupon, your committee are of opinion that the said Alex: McDougal ought to receive the full Emoluments of the Office so long as he preforms the duties. of the Secretary of the Marine.<sup>1</sup>

A motion was made by Mr. [Thomas] Bee, seconded by Mr. [William] Sharpe:

That during the time Major General McDougall shall continue to act as Secretary of Marine, his pay and emoluments as an officer in the army shall cease; but he shall not thereby be deprived of rank or the privilege of returning to his command whenever Congress or the Commander in Chief shall think his services necessary in the field.

On the question to agree to this, the yeas and nays being required by Mr. [William] Sharpe,

<i>Massachusetts,</i>			<i>Connecticut,</i>		
Mr. Adams,	no	} no	Mr. Huntington,	no	} no
Lovell,	no		Root,	no	
Ward,	no				

<sup>1</sup> This report, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 19, IV, folio 19.

<i>New Jersey,</i>				<i>North Carolina,</i>			
Mr. Witherspoon,	ay	}	ay	Mr. Burke,	no	}	
Clark,	ay			Sharpe,	ay		}
<i>Pennsylvania,</i>				Johnston,	ay		
Mr. Montgomery,	no	}	ay	<i>South Carolina,</i>			
Clymer,	ay			Mr. Mathews,	no	}	
Wynkoop,	ay			Bee,	ay		}
<i>Delaware,</i>				Motte,	no		
Mr. Van Dyke,	no	}	*	<i>Georgia,</i>			
<i>Maryland,</i>						Mr. Walton,	ay
Mr. Hanson,	no	}	no	Few,	no	}	
Carroll,	no			Howly,	no		
<i>Virginia,</i>							
Mr. Madison,	ay	}	div.				
M. Smith,	no						

So it passed in the negative.

On motion of Mr. [Thomas] Burke, seconded by Mr. [Richard] Howly,

*Resolved*, That the United States in Congress assembled, have a due sense of the zeal of Major General Alexander McDougall, for the safety and honour of America, and applaud his magnanimity in declining to "retire from the toils and perils of the field in the present critical condition of the United States in general, and that of New York in particular:" that they are well convinced of his wishes and disposition to render to the public every service in his power; but as Major General McDougall, for good reasons, cannot detach himself from his command in the army, and as the duties of the office of Secretary of Marine, to which he has lately been elected by Congress, may interfere with the execution of military duty, the United States in Congress assembled do not therefore expect his acceptance of that office.

WAR OFFICE *March 30 1781*

SIR

The Board have considered the Memorial of G Bensell and B Bankson referred to them by Congress and beg leave to observe that it is the opinion of the Board the Clerks' salaries of five hundred dollars per annum Specie paid at the real value is fully adequate: the

clerks in the War Office neither ask or expect any more. The Commissary General of Issues did make application to the Board that they would report a warrant in his favor, and it is as true they did refuse and they have no stronger reasons to offer in justification of their conduct than will appear from the Commissary General's abstract, and the order given him by the Board copies of which are enclosed to which we beg the particular attention of Congress.

The Board do not entertain the least doubt of the Memorialists being distressed for want of pay and suppose many others in the Department may complain on the same subject with an equal degree of justice.

If after considering the foregoing facts and enclosures, notwithstanding the Board see no reason for altering their former opinion, Congress should be of opinion that partial payments ought to be made, the Board will cheerfully acquiesce in any measure they may please to order.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

#### SATURDAY, MARCH 31, 1781

A letter, of 10, and one of 16, from Major General Greene, were read, the latter giving an account of the action between him and the army under Lord Cornwallis, on the 15th;

*Ordered*, That this letter be referred to the Committee of Intelligence.

A letter, of 25, from Major General the Marquis de la Fayette, was read.<sup>2</sup>

The delegates for South Carolina laid before Congress a letter, of 22 January last, from Doctor Oliphant:<sup>3</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [John] Mathews, Mr. [James Mitchell] Varnum, Mr. [John] Witherspoon.

A letter, of 27, from the Board of War, was read; Whereupon,<sup>4</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 355. It is indorsed as having been read this day.

<sup>2</sup> Greene's letter of 10<sup>th</sup> is in the *Papers of the Continental Congress*, No. 155, I, folio 595; that of 16<sup>th</sup> is in No. 155, II, folio 1. Lafayette's letter is in No. 156, folio 109.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 313.

<sup>4</sup> This letter is in the *Papers of the Continental Congress*, No. 147, VI, folio 339.

*Ordered*, That a warrant issue on the treasurer in favour of the paymaster of the Board of War and Ordnance for fifty-three thousand three hundred and thirty-three dollars and one-third of a dollar new emissions, to enable the said Board to make the necessary preparation for the ensuing campaign; and

That a warrant issue on Thomas Harwood, commissioner of the continental loan office in the State of Maryland, in favour of Michael Hillegas, treasurer aforesaid, for the like sum of fifty-three thousand three hundred and thirty-three dollars and one-third of a dollar new emissions, to enable the said treasurer to discharge the warrant aforesaid.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of Mr. [John] Mathews, one of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for twenty thousand dollars old emissions, for which the said State is to be accountable.<sup>1</sup>

The report of the committee to whom were referred the report of the Board of Treasury, of January 22, relative to the owners of rum, &c., and sundry memorials from the said owners, was taken into consideration; and, Thereupon, it was ordered as follows:

Whereas, on the 28 October, 16 November, and 8 December, last past, sundry warrants were granted in favour of Ephraim Blaine, commissary general of purchases, to enable him to pay for rum contracted for by order of Major General Howe, for the use of the army, and particularly the garrison at West Point, which being drawn payable in bills of the old emissions have not been answered:

*Ordered*, therefore, That the said warrants be returned to the Board of Treasury to be cancelled, and that in lieu of

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 213.

them the following warrants be issued in favour of the said Ephraim Blaine, commissary general of purchases, payable in the new emission, to discharge as far as they will extend the said contracts, and for which the said commissary general is to be accountable; viz.

One on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts, for ten thousand six hundred and three dollars, and sixty-ninetieths of a dollar; another on the same, for eight thousand and ninety-seven dollars and fifty-six-ninetieths:

~~—One on Abraham Yates Commissioner of the Continental loan office in the State of New York for 8,007 $\frac{1}{2}$  dollars.~~

One on Joseph Borden, commissioner of the continental loan office in the State of New Jersey, for seven thousand and thirty-five dollars and seventy-eight ninetieths of a dollar: and

One on Thomas Smith, commissioner of the continental loan office in the State of Pennsylvania, for six thousand seven hundred and one dollars and twenty-two-ninetieths of a dollar.<sup>1</sup>

A letter, of 30, from Colonel Pickering, quartermaster general, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The Members, Mr. [Abraham] Clark, Mr. [Joseph] Montgomery, Mr. [Daniel] Carroll.

The report of the committee on the letter of 13, from R. Morris, was taken into consideration; and the first paragraph being read, viz.

That the Superintendant of Finance be, and he hereby is authorised to remove from office or employment, for incapacity, negligence, dishonesty or other misbehaviour, all persons entrusted with and immediately employed in the expenditure of the public money, and also all such as are or

<sup>1</sup> This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, IV, folio 15.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 192, folio 57.

shall be, in his judgment, unnecessary; provided that such power of removal from office shall be limited to the duration of the present war.

On the question to agree to this, the yeas and nays being required by Mr. [Samuel] Adams,

<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Adams,	no	} no	Mr. Madison,	ay	} no
Ward,	no		Bland,	no	
<i>Rhode Island,</i>			M. Smith,	no	
Mr. Varnum,	ay	} *	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Burke,	ay	} ay
Mr. Huntington,	no	} no	Johnston,	ay	
Root,	no		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Mathews,	ay	} ay
Mr. Witherspoon,	no	} *	Motte,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Montgomery,	no	} div.	Mr. Walton,	ay	} ay
Clymer,	ay		Few,	ay	
<i>Delaware,</i>			Howly,	no	
Mr. McKean	no	} no			
Van Dyke,	no				
<i>Maryland,</i>					
Mr. Hanson,	no	} no			
Carroll,	no				

So it passed in the negative.

Adjourned to 10 o'Clock on Monday.

#### MONDAY, APRIL 2, 1781

A letter, of 24 March, from General Washington, was read:  
*Ordered*, That it be referred to the Board of War.

A letter, of 26 March, from Major General the Marquis de la Fayette, was read.<sup>1</sup>

A letter, of 31 March, from the Board of War, was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of Treasury, to report immediately.

<sup>1</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 23; Lafayette's is in No. 156, folio 117.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 349.



*Ordered*, That a member be added to the committee on the letter, of March 16, 1780, from Doctor Franklin, respecting Captain Hutchins, in the room of Mr. [Alexander] McDougall:

The member, Mr. [James] Duane.

The report of the committee, ||consisting of Mr. Sullivan, Mr. McKean and Mr. Houston,|| on the letter, of 19 March, from the governor of New York, was taken into consideration; Whereupon,

*Resolved*, That the two regiments of militia proposed to be embodied in the State of New York, to serve till the first day of December next, as mentioned in Governor Clinton's letter of the 19 of March last, be paid and subsisted while in service, at the general expence, on the same terms as the troops on the continental establishment:

That the two regiments of infantry proposed to be raised in the said State to serve for three years, as mentioned in the aforesaid letter, be paid, subsisted and clothed while in service, at the general expence, on the same terms as the troops on the continental establishment;

~~[Provided, That the two last mentioned Regiments be placed under the entire direction of the Commander in Chief in the same manner as continental troops from the other States.]~~

Provided the said State shall first fill up their quota of troops for the continental army; and that the regiments, particularly the two last mentioned, be officered as far as may be by the reduced officers belonging to that State, and that the officers be proportioned to the number of men actually in service.]<sup>1</sup>

A report from the Board of Admiralty was read; Whereupon,

*Ordered*, That the Board of Admiralty fit the frigate *Ariel* for sea, with all convenient despatch.

<sup>1</sup> This report, in the writing of William Churchill Houston, except the portion in brackets, which is in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 19, I, folio 305.

A motion was made by Mr. [Thomas] Burke respecting some French seamen on board of the *Ariel*:

*Ordered*, That it be referred to the Board of Admiralty to take order.

A report of the Board of Treasury on the letter, of 31 March, from the Board of War, was read; Whereupon,

*Ordered*, That two warrants issue on Thomas Smith, commissioner of the continental loan office in the State of Pennsylvania, in favour of John Pierce, paymaster general, to be paid in preference of all other warrants not specially directed; to wit: one for the sum of one hundred and sixteen thousand three hundred and twenty-eight dollars of the old emissions; and one for twenty-eight thousand seven hundred and thirty-one dollars of the new emission.<sup>1</sup>

Another report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of Mr. [Isaac] Motte, one of the delegates for the State of South Carolina, a warrant issue in his favour on Thomas Smith, commissioner afore-said, for twenty-five thousand dollars of the old emissions, for which the State of South Carolina is to be accountable.<sup>2</sup>

On motion of Mr. [John] Sullivan, seconded by Mr. [Samuel] Adams:

*Ordered*, That a committee of three be appointed to examine into the issues of the respective departments in the army, compare them with the proper returns, and report to Congress such irregularities and abuses as may have taken place, and the proper measures to be adopted for preventing the like in future:

The members, Mr. [John] Sullivan, Mr. [James Mitchell] Varnum, Mr. [Jesse] Root.

The committee on the letter, of 15 September last, from Major General A. McDougall;

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 215.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 217.

The Committee to whom were referred the Letters from Major General McDougal of the 15<sup>th</sup> of Sept and the 25<sup>th</sup> of Octo<sup>r</sup> last beg leave to report,

That the account of General McDougal mentioned in his said Letters, appears to have been expenses incurred by him in attending Congress with a memorial from the General officers principally respecting their own emoluments, for which reason your committee cannot discover any good cause for allowing this charge more than the expenses of other applicants attending numberless memorials and applications to Congress, the payment of which in their Opinion cannot be warranted upon any just principle.<sup>1</sup>

The committee on the letter, of 12 March, from C. Pettit;

The committee to whom were referred the letter, of December 2, from the hon<sup>ble</sup> Doctor Franklin and the memorial from the hon<sup>ble</sup> the minister plenipotentiary of France;

The committee to whom was committed the report of committee on the letter, of 25 August, from F. Hopkinson, together with the letters and papers from E. Forman and J. Gibson; and

The Committee of Commerce, to whom was referred the memorial of J. Henderson in behalf of O. Pollock; delivered in their several reports.

The commercial Committee to whom was referred the memorial of John Henderson of the ——— day of ——— in behalf of Oliver Pollock Agent of the United States at New Orleans report as follows:

That the first Claim set forth in the said memorial being for the amount of monies advanced by M<sup>r</sup> Pollock (and not included in his account lately settled) for the transportation and march of a party of soldiers from New Orleans to the country of the Illinois not being accompanied by any vouchers the settlement thereof ought properly to be postponed until the vouchers are transmitted.

That the second claim being for interest on M<sup>r</sup> Pollock's advances for the United States from the dates of such advances, the Committee refer it to Congress, submitting the following resolution in case Congress should think the demand of Interest just and reasonable,

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, IV, folio 21. It is indorsed: "August 24, 1781. Not to be acted upon."

*Resolved*, That the Board of Treasury pass to the credit of Oliver Pollock Continental agent at New Orleans the Sum of five thousand three hundred thirty eight dollars and three fourths of a dollar specie value, an allowance to him of Interest on his advances to the United States as appears by his account lately liquidated.

That the third claim therein being the amount of Mr Henderson's expences incurred since he has been soliciting the settlement of Mr Pollock's account, they submit to Congress together with the following Resolution in the event that claims of this nature shall be thought by Congress just and reasonable.

*Resolved*, That the board of Treasury pass to the further Credit of Oliver Pollock the sum of ——— in specie value being an allowance to him for the expence incurred by his Agent John Henderson on his voyage here and whilst employed here in soliciting a settlement of said Pollock's accounts with Congress.<sup>1</sup>

WAR OFFICE *April 2<sup>nd</sup> 1781*

SIR.

Upon the receipt of a letter from his Excellency the Commander in Chief we think it our duty to enclose to Congress for their information an extract thereof. And beg leave to observe there is at this time no Cloathier General and in our opinion an immediate appointment is absolutely necessary. At the same time we wish to leave the propriety of a new choice to Congress.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

TUESDAY, APRIL 3, 1781

A petition of Colonel M. Hazen was read:

*Ordered*, That it be referred to the Board of Treasury.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 50, folio 311.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 363. It was read on this day as the indorsement indicates.

The following report from the Board of Admiralty is in the *Papers of the Continental Congress*, No. 37, folio 401, and was read on this day, as the indorsement shows:

The Board beg leave to inform the United States in Congress assembled, that yesterday morning they received a Billet from Captain John P. Jones of which the enclosed is a Copy.

The Board not being officially informed respecting the terms on which the *Ariel* was sent to America, or by whose directions the future destination of said ship is to be determined, they wish to receive the sense of Congress on this subject and also, their orders respecting the Frenchmen on board that ship.

A remonstrance of Lieutenant Colonel Samuel Hay was read:

*Ordered*, That it be referred to the Board of Treasury to take order.

A letter, of April 2, from Tho Edison;

One, of 2, from N. Jones;

One, of the third, from J. Nourse; and

One, of the same date, from Pat. Ferral and Corn<sup>s</sup> Comegys were laid before Congress; Whereupon,

The general account of salaries and arrearages due to the civil list, &c., to the 1 March, 1781, as settled by the commissioners of the chambers of accounts and passed by the auditor general, which was reported by the Board of Treasury, was taken into consideration;<sup>1</sup> Whereupon,

*Resolved*, That the United States in Congress assembled approve the principles upon which the said accounts have been liquidated and settled by the commissioners of the chambers of accounts and passed by the auditor general:

*Ordered*, That the Board of Treasury report warrants on such of the commissioners of the loan offices as they judge most convenient, in favour of the treasurer of the United States, to enable him to discharge the warrants that may be drawn upon him for the balances due to the under-secretaries and clerks in the several offices and boards as specified in the general account above mentioned.

A letter, of 2, from Peter R. Fell, one of the commissioners of the chambers of accounts, was read, desiring leave to resign:<sup>2</sup>

*Ordered*, That his resignation be accepted.

A report from the Board of Treasury was read; Whereupon,

<sup>1</sup> Hazen's petition, dated April 2, 1781, is in the *Papers of the Continental Congress*, No. 42, III, folio 405; Hay's remonstrance is in No. 43, folio 131; Edison's letter is in No. 78, VIII, folio 365; Jones's letter is in No. 78, XIII, folio 225; Nourse's letter is in No. 78, XVII, folio 131; Ferral and Comegys's letter is in No. 78, IX, folio 455. The general account of salaries, etc., is in No. 34, folio 267.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 451.

*Ordered*, That on the application of Mr. G[eorge] Walton, one of the delegates for the State of Georgia, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for eight thousand four hundred dollars old emissions, for which the State of Georgia is to be accountable.<sup>1</sup>

A report from the Board of War was read; Whereupon,

WAR OFFICE *April 2<sup>nd</sup> 1781*

SIR

The Board are requested by the hon. the Delegates of the State of Virginia to forward the Arms and Stores to that State belonging to them, that are now at this place, agreeable to an act of Congress of the 2<sup>nd</sup> October 1780. Upon which, we beg leave to observe that it is out of our power, unless the money is advanced to Colonel Miles deputy Quarter Master, agreeable to the enclosed estimate. It may be objected that the waggoners ought to be paid by the said State, to which they answer, they shall be paid in Virginia Money, which will not pass at this place, therefore they cannot be engaged on these terms, it hath also been proposed that they take Tobacco in Virginia for payment, which they have likewise objected, as they say they cannot bring back more than one quarter of their pay in that Article. Should Congress be of opinion, that the Board should carry the said resolution of the 2<sup>nd</sup> of October 1780 into execution, it may be proper to resolve,

*Ordered*, That a warrant issue on the treasurer in favour of Colonel S. Miles, deputy quartermaster for the State of Pennsylvania, for the sum of nine hundred and ninety-five dollars new emissions, to enable him to transport to Virginia the stores now in this city belonging to that State, for which the said State is to be accountable.<sup>2</sup>

And, to enable the treasurer to discharge the said warrant, that the Board of Treasury report a warrant in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for a like sum of nine hundred and ninety-five dollars new emission, this to be paid in preference of all other warrants not specially directed:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 219.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 377.

## WAR OFFICE April 3, 1781.

SIR

It gives us pain to find ourselves so often under the disagreeable necessity of troubling Congress on trifling matters but when it is considered that the four thousand dollars lately granted was to answer a purpose of the first importance to these United States, we flatter ourselves Congress will not think we trouble them without cause, more especially when they are informed the money cannot be obtained without allowing the interest which cannot be paid away on them terms. From the foregoing reasons it may appear proper to resolve,

*Ordered*, That Thomas Smith, commissioner aforesaid, pay the money ordered to J. Carlton without accounting the interest, and that the Board of War take order for the application of the money.<sup>1</sup>

On application of the delegates for the State of Georgia:

*Ordered*, That a warrant issue in their favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for five thousand dollars old emissions, to defray the expences of an express to them from the president and council of the said State, which is to be accountable.

On motion of Mr. [Thomas] Bee, seconded by Mr. [Thomas] McKean:

*Resolved*, That the Commander in Chief be and he is hereby directed to recall Lieutenant General Burgoyne and all other British and [German] officers, [prisoners of war] now absent on their parole from America, to return immediately, ~~unless the Honorable Henry Laurens, Esqr., be also enlarged on his parole.~~<sup>2</sup>

A report of the Board of War was read, together with a copy of a letter from A. Stewart, commissary of issues:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 383.

<sup>2</sup> This resolution was also entered in the manuscript Secret (Domestic) Journal, after April 19. It is in the writing of Thomas Bee, except the words in brackets which were inserted by Samuel Huntington, and is in the *Papers of the Continental Congress*, No. 36, IV, folio 273.

WAR OFFICE, *March 31<sup>st</sup> 1781*

SIR,

As we deem it our duty on all occasions to give Congress all the information in our power respecting the state of Supplies of Provisions, we enclose a copy of a letter we have received from Col. Stewart and should be happy if we could accompany it with returns from the State agents, but none have been transmitted tho' repeatedly called for except the one enclosed from Pennsylvania. We are clearly convinced that unless this and the State of Jersey fully supply their quotas of flour much distress will ensue, and if no more supplies of this article are sent for the ensuing Campaign than those which appear to have been furnished for the last the Army cannot possibly be kept together. There seems every disposition in the executive to forward the business but they complain of a total want of funds to purchase. No dependance can be placed on large supplies from New York as that State has been so distressed by the Ravages of the enemy.<sup>1</sup>

*Ordered*, That copies thereof be transmitted to the executives of the State of New Jersey and Commonwealth of Pennsylvania:

*Ordered*, That the committee on the case of the Hon<sup>ble</sup> H. Laurens prepare and bring in a draught of a manifesto on that subject.

WAR OFFICE *April 2<sup>nd</sup> 1781*

SIR,

Having been honored with a reference from Congress of a letter from Brigadier Thompson relative to his rank we beg leave to transmit herewith a list of the General Officers whereby the times of their appointment relative Rank and State to which they belong will appear. According to this list if Congress should think an appointment of another Major General of the Pennsylvania line necessary, Brigadier Thompson is certainly entitled to the promotion. If also it should be deemed expedient as it seems to be just that he should have his rank in the line of General Officers in the same manner he would have had if he had not been captivated, he will take rank next to General Greene. But on neither of these heads do we presume to

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 148, I, folio 339. The letter enclosed was from Charles Stewart, commissary general of issues.



give an opinion, conceiving that Congress are best able to determine and that it is only our duty to furnish the means of information.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, APRIL 4, 1781

A letter, of 3, from J. Pierce, enclosing a letter, of 24 March, from General Washington; and

A letter, of 2, from Captain Paschke, were read:

*Ordered*, That they be referred to the Board of War.

A letter, of this day, from Captain Bedkin, was read;<sup>2</sup> Whereupon,

The report of the Board of War on the memorial of Captain Bedkin was taken into consideration; and, Thereupon,

WAR OFFICE *March 22. 1781*

SIR

The Board have considered the Memorial of Captain Bedkin, referred to them by Congress and beg leave to observe: that as early as the 26 January last the Board were apprised of Colonel Armands having given orders for enlisting Men on the same principles that Captain Bedkin has enlisted those mentioned in his Memorial, as will appear by the Board's letter to Colonel Armand, copy of which is enclosed; the letter was duly received, the spirit of which Colonel Armand transmitted to Captain Bedkin previous to his enlisting the men, as fully appears by the Colonel's letter shewed to us sometime last week by Captain Bedkin. The Board are at a loss to account for the Captains conduct in this affair: however when the foregoing as well as the State of the finances and pressing demands for money are taken into consideration, also the additional expence of mounting the Men, and that they cannot be cloathed and accoutred until Colonel Armand's return from France, it appears to the Board the Men had better be discharged that are enlisted and have not received their bounties. Should Congress be of the same opinion it may be proper to Resolve

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 369. It was read on this day, as the indorsement indicates. It is further indorsed: "August 23<sup>d</sup>, 1781, Postponed. Sept. 29, 1781, to be filed."

<sup>2</sup> Pierce's letter is in the *Papers of the Continental Congress*, No. 165, folio 601; Paschke's letter is in No. 78, XVIII, folio 369; Bedken's is in No. 78, IV, folio 161.

*Ordered*, That the memorial of Captain Bedkin which was read on the 21 of March last, so far as it respects the recruits, be referred to the Board of War to take order:

On that part of the Memorial that relates to the pay of Captain Bedkin's Troops, the Board beg leave to observe that they are no farther in arrears than the Army in general, that they are cantoned at Bristol and not on actual duty. But should Congress be of opinion that the hardships they suffer on account of their belonging to no particular State, and of course receive no extra supplies is a sufficient inducement to advance a Sum of Money on Account, it may be proper to Resolve

That the Board of War draw a warrant on the paymaster general in favour of Captain Bedkin, of Colonel Armand's legion, for two months' pay for himself and troop, amounting to five hundred and six dollars and two-thirds of a dollar, in bills of the new emission on account.

N B Previous to granting any Money on Reports from this Board, we think it our duty to inform Congress, that it will be absolutely necessary to advance the Quarter Master General some Money to enable him to equip the first division of the Pennsylvania Line, that they may begin their March from York Town on the first day of April which General St Clair informs is the time fixed.<sup>1</sup>

The committee to whom was referred the letter, of March 16, 1780, from the hon<sup>ble</sup> Doctor Franklin, delivered in a report.

According to order, the Board of Admiralty laid before Congress a draught of instructions to the captains of private armed vessels, which was read:

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Thomas] Bee, Mr. [Nicholas] Van Dyke.

On motion of Mr. [James] Madison, seconded by Mr. [John] Sullivan:

That The President inform ~~Admiral~~ Mons<sup>r</sup> Destouches Commander of the squadron consigned by his M. C. Majesty to the succour of

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 327.

his Allies. That the United States in Congress assembled have seen with the highest satisfaction the vigilance and zeal he has manifested on every occasion to fulfill the generous intentions of his sovereign and the wishes of these States; and that he present to ~~Admiral~~ Mons<sup>r</sup> Destouches and the officers and men under his command, their particular thanks for the bravery, ardor and good conduct displayed in the late enterprize against the enemy at Portsmouth in Virginia in which although the accomplishment of the object was prevented by ~~unfortunate~~ [un]foreseen casualties, the gallant and advantageous contest maintained on the 16<sup>th</sup> of March off the Capes of Chesapeek Bay against a superior British Fleet does so much honor to the arms of his M. C. M. and is so happy a presage of decisive advantages to the United States.<sup>1</sup>

*Resolved*, That the President ~~inform Mons<sup>r</sup> Destouches,~~  
~~commander of the squadron assigned~~ transmit the thanks  
of the United States in Congress assembled, to the Count de  
Rochambeau, and the Chevalier Destouches, commanders of  
the army and fleet sent by his Most Christian Majesty to the  
succour of his allies, ~~that the United States in Congress~~  
~~assembled have seen with the highest satisfaction the~~  
~~vigilance and zeal he has manifested on every occasion~~  
for the zeal and vigilance they have, on every occasion, mani-  
fested to fulfil the generous intentions of their sovereign and  
the ~~wishes~~ expectations of these states: ~~and~~ that he present  
their particular thanks to the Chevalier Destouches, and the  
officers and men under his command, ~~their particular~~  
~~thanks~~ for the bravery, ~~ardor~~ firmness and good conduct  
displayed in the late enterprize against the enemy at Ports-  
mouth, in Virginia; in which, although the accomplishment  
of the object was prevented by unforeseen ~~casualties~~ events,  
the ~~gallant and advantageous contest~~ arduous contest so  
gallantly and advantageously maintained on the 16 of March  
last, off the Capes of Chesapeake Bay, against a superior

<sup>1</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, IV, folio 503. It is undated. It was adopted in this form Apl. 4; but amended Apl. 5 and the amendments interlined in the entry in the journal for Apl. 4. The amended resolution is also entered in the journal for Apl. 5.

British fleet, does ~~so much~~ honor to the arms of his Most Christian Majesty, and is ~~so~~ a happy & presage of decisive advantages to the United States.

The report of the committee, on the letter of 12 March, from Charles Pettit was taken into consideration; Whereupon,

The Committee to whom was referred the letter from Charles Pettit, Assistant Quarter Master General, dated the 12<sup>th</sup> day of March last, together with its enclosures, have agreed to propose the following Resolutions, to Wit,

1. That no interest be charged by the Treasurer, or any of the Loan Officers of the United States, on the issuing of the bills of credit emitted in pursuance of the Act of Congress of the 18<sup>th</sup> day of March 1780.

2. That the respective Loan Officers be provided with a machine or stamp, in which may be fixed, as follows "Int. paid March 18<sup>th</sup> 1781," or any other month or year, as the case may require: and that this impression be stamped on every of the aforesaid bills, that shall hereafter be received into, or now remains in any of their said Offices, at the time of issuing, or re-issuing the same.

3. That the Treasurer of the United States be furnished with a like machine or instrument, in which may be fixed any day, month, and year, and that all the aforesaid bills, which shall be paid into the public Treasury, shall before they are paid out be stamped with that impression underneath that made by the Loan Officer, or if no impression shall have been made then with such as ought to have been made by the Loan Officer, and afterwards underneath the same with the day, month and year only: and that no interest be allowed to the States in future; but from the date of the last impression

4. That the Treasury Board be directed to cause new bills to be printed of the like tenor and date with those emitted in pursuance of the Act of the 18<sup>th</sup> day of March 1780, excepting such parts thereof as in any manner relate to the payment of interest thereon, which are to be wholly omitted; and that the same be signed and numbered by the former signers of the aforesaid bills, or in case of their deaths, or refusal, by some other suitable persons to be appointed as by the aforesaid Act is directed; and that the quotas of said bills belonging to each State agreeable to the said Act shall be lodged in the Loan Office of each State, and by the Loan Officers exchanged and remitted in lieu of the former bills, as often as they shall come

into the said offices; and that the said Loan Officers be directed to lodge sufficient quantities of the said new bills with the Treasurer of the United States, for the purpose of exchanging such of the former bills as may at any time come into his possession, and to be issued out instead thereof in all future payments of warrants or drafts on him. All which bills emitted in pursuance of the Act of the 18<sup>th</sup> day of March 1780, and exchanged as aforesaid, shall be sunk and destroyed in the same manner as other bills called out of circulation are directed to be destroyed, or in lieu of the whole except the first Resolve

That the Treasurer of the United States, and the several Loan Officers, be each furnished with a machine or instrument in which may be fixed, as follows "No interest to be paid or demanded on this bill," and that this impression be stamped or made on every of the aforesaid bills, that now remains in, or shall hereafter be received into any of their Offices, before the same shall be issued or re-issued; on which bills so stamped no interest shall be paid or allowed in any payment whatsoever.

That the Treasury Board be directed to cause the bills, which were directed to be emitted by the Act of the 18<sup>th</sup> day of March 1780 for the States of Delaware — to be printed, without any words or figures importing that any interest is to be paid thereon, any thing in the said Act to the contrary notwithstanding.<sup>1</sup>

<sup>1</sup> This report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 19, V, folio 127. The indorsement says: "August 24, 1781, not to be acted upon."

The following report, undated, belongs to this month. It is in Charles Thomson's writing and the indorsement says: "Mr. [James] Duane, Mr. [Thomas] Bee, Mr. [Jesse] Root, Mr. [Theodorick] Bland, Mr. [Thomas] McKean," being, it is presumed, the committee to which it was referred. It is in the *Papers of the Continental Congress*, No. 36, IV, folio 313:

By the act of Congress of the 18 March 1780 the new Bills are to bear an interest of 5 per cent which is to be paid annually at the several Loan offices in Silver or Gold or in Bills of exchange on France, and it is therein provided that the bills upon which interest is paid shall not be reissued but new bills provided for the purpose are to be issued in lieu thereof. Now as the Loan offices are unsupplied with specie or bills to discharge the interest and if they were as no new bills are prepared to be given in exchange it is evident that the United States in Congress assembled are not in condition to comply with that part of the act above mentioned. Some mode therefore must be devised to answer the purpose and prevent the clamours that may be raised on account of the non payment of the interest.

The act of the 16 instant provides that in discharge of the requisition made that day as well as those made by Congress on the 26 August 4 November and 15 January last the interest due on the bills emitted pursuant to the act of 18 March 1780, shall be

*Resolved*, That no interest be computed on the money emitted pursuant to the act of the 18 March, 1780, at the time of issuing the same from the loan offices, or when any officers of the United States shall make payments therewith for supplies, or in discharge of public debts.

The committee to whom was referred the motion of Mr. [Thomas] McKean relative to certificates, delivered in a report.

The committee to whom was referred the letter, of 30 March, from J. Pierce, delivered in a report.

computed thereon in favour of the State from whom such bills shall be received to the time assigned for discharging the several requisitions respectively.

In consequence of this it is to be presumed that the several States will allow their inhabitants in the payment of taxes to count the Interest then due on those bills ~~at the time of payment~~ and in that case the holders will have no cause of complaint.

But if these bills are again issued from the public Treasury without adding the interest or without noting thereon that the interest has been paid to a certain day, the person into whose hands they shall come and who shall pay them in taxes will charge and be allowed interest from the date of the bill and consequently the public will be charged and will pay double interest, and the next time the bill is paid in, treble and so on.

On the other hand if the public undertake to add the interest due on the bills to the value expressed therein it will occasion infinite trouble in counting and give great disgust to creditors and particularly to the Army, who in their small dealings and payments will certainly lose the interest and will therefore consider themselves as cheated or defrauded of their pay. Experience has already evinced the necessity of dropping the interest in payments made to the Army, and a late instance has proved that the waggons employed to carry stores to the southern Army could not be prevailed upon to allow the interest to be added to the bills.

In order therefore on the one hand to obviate discontents and give currency to the bills and on the other to prevent the public from sustaining too heavy a loss, it is proposed that the Com<sup>rs</sup> of the Loan offices be provided with a stamp or machine in which may be fixed as follows " Int. paid March 1781 " or any other month or year as the case may require and that every bill be stamped on its face with this impression before it is issued out of the office and that the treas<sup>r</sup> of the United States be furnished with a like machine in which may be fixed any month and year and that all bills, which shall be paid into the public Treasury, shall before they are issued out be stamped with that impression underneath that made by the loan officer, or if no impression has been made then with such as ought to have been made by the loan officer and afterwards underneath with the month and year only and that the interest to be allowed to the States be counted from the date of the last impression. By this means, provided the impression is made just before issuing the money, the public will save the interest between the time of receiving the money from the time of receiving it from the states and the time of issuing it, which may compensate for any losses on broken interest.

*Ordered*, That two members be added to the committee on the letter, of 19th February, from Baron d'Arendt, in the room of Mr. [Alexander] McDougall and Mr. [Meriwether] Smith:

The members, Mr. [James] Madison and Mr. [Artemas] Ward.

Adjourned to 10 o'Clock to Morrow.<sup>1</sup>

THURSDAY, APRIL 5, 1781

A letter, of 31st of March, from General Washington, was read; Whereupon,<sup>2</sup>

On motion of Mr. [John] Mathews, seconded by Mr. [William] Sharpe,

*Resolved*, That the United States in Congress assembled, approve of the reasons given by the Commander in Chief, for not exchanging Lieutenant Colonel Hill for Lieutenant Colonel du Buysson.

A letter, of the 7th March, from the governor of Connecticut, was read, enclosing a memorial from sundry continental troops, inhabitants of Westmoreland, and a letter from Moses Bush, relative to the ship *Bourbon*;<sup>3</sup>

*Ordered*, That the memorial be referred to the Board of War, and that the letter from M. Bush be referred to the Board of Admiralty.

A petition from John Hall was read:

*Ordered*, That it be referred to the Board of Treasury to take order.

A letter, of 23d of March, from the governor of New York, was read, enclosing a copy of an act authorising Congress to levy a duty on foreign merchandise imported into that State.

<sup>1</sup> From this point the entries are by George Bond.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 27.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 66, II, folio 188. The memorial is in No. 41, X, folio 538.

A letter, of February 16th, from Egbert Benson, was read, signifying his acceptance of the office of procurator in the State of New York.<sup>1</sup>

A memorial from John Ross, and a letter, of the 3d, from E. Forman, were read:<sup>2</sup>

*Ordered*, That the committee appointed to estimate the amount of the debts due from the United States, take into consideration the public debt and finances, and state the same with the necessary estimates for the current year as near as can be done, in order that the same may be laid before the respective legislatures.

Agreeable to the order of the day, the report of the committee appointed "to devise and report the mode for appointing courts for the trial of piracies and felonies committed on the high seas," was taken into consideration; and, Thereupon,

The Committee appointed to devise and report the mode of appointing courts for the trial of piracies and felonies committed on the high seas, do now report, that they have essayed a draught of a bill for that purpose, which they submit to the correction of Congress.

The United States in Congress assembled, agreed to the following

**Ordinance for establishing courts for the trial of piracies and felonies committed on the high seas.**

Whereas by the ninth article of the confederation and perpetual union of the Thirteen United States of America, it is agreed, that the United States in Congress assembled, shall have the sole and exclusive right and power (inter alia) of appointing courts for the trial of piracies and felonies committed on the high seas. And whereas it is expedient that such courts should be speedily erected, and it is reasonable that the same mode of trial should be adopted for offenders of this kind on the high seas as is used for offenders of the like sort upon the land,

<sup>1</sup> Hall's petition, dated April 4, 1781, is in the *Papers of the Continental Congress*, No. 42, III, folio 413; the New York letter is in No. 67, II, folio 362, and the act enclosed is in No. 75, folios 157-162; Benson's letter is in No. 78, IV, folio 77.

<sup>2</sup> Ross's memorial, dated April 5, 1781, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 298; Forman's letter is in No. 78, IX, folio 459.



Be it therefore ordained, and it is hereby ordained by the United States of America in Congress assembled, and by the authority of the same, that all and every person and persons who heretofore have committed, or who hereafter shall commit, any piracy or felony upon the high seas, or who shall be charged as accessories to the same, either before or after the fact, may and shall be enquired of, tried and judged by grand and petit juries, according to the course of the common law, in like manner as if the piracy or felony were committed upon the land, and within some county, district or precinct in one of these United States. And the justices of the supreme or superior courts of judicature, and judge of the Court of Admiralty of the several and respective states, or any two or more of them, are hereby constituted and appointed judges for hearing and trying such offenders.

And be it further ordained, that if any person or persons shall be indicted for any piracy or felony done, or hereafter to be done, upon the high seas, or as accessories before or after the fact, either on the land or upon the seas, by a grand jury for any county, district, or precinct within any of these United States, before the justices of the supreme or superior court and judge of the admiralty, or any two of them, that then such order, process, judgment and execution shall be used, had, done and made to and against every such person and persons, so being indicted, as against robbers, murderers, or other felons for robbery, murder, or other felony done upon the land within such county, district, or precinct, as by the laws of the said State is accustomed; and the trial of such offence or offences, if it be denied by the offender or offenders, shall be had by twelve lawful men of the said county, district, or precinct; and such as shall be convicted of any such offence or offences, by verdict, confession, or otherwise, in the said court, shall have and suffer such pains of death, losses of lands, goods and chattels, or other punishment, and by the same authority as if they had been convicted and attainted of any robbery, felony or other the said offences done upon the land; and shall be utterly excluded the benefit of clergy where the same is taken away or not admitted for such like offences committed within the body of a county, or on land where such trial shall be had.

And be it further ordained, that if there shall be more than one judge of the admiralty in any of the United States, that then, and in such case, the supreme executive power of such State may and shall commissionate one of them exclusively to join in performing the duties required by this ordinance.

And be it further ordained, that all losses and forfeitures of lands, goods and chattels, incurred upon any such conviction and attainder, shall go and belong to the State in which the said conviction and attainder shall happen, ~~towards the support of the government thereof be had.~~

~~Signed by order of the United States of America in congress assembled~~

~~Ordained the — day of — in the fifth year of our Independence, and in the year of our Lord one thousand seven hundred and eighty one.~~

Done by the United States in Congress assembled, the fifth of April, 1781, and in the fifth year of our Independence.<sup>1</sup>

The delegates for the State of Maryland laid before Congress a list of arms and ammunition wanted for the use of that State, which was read:

*Ordered*, That the same be referred to the Board of War to take order.

The committee to whom was re-committed their report on the estimate of articles for the quartermaster's department, and the committee on instructions to the captains of private armed vessels, delivered in their respective reports.<sup>2</sup>

The motion of thanks, passed yesterday, being amended, was passed as follows:

*Resolved*, That the President transmit the thanks of the United States in Congress assembled to the Count de Rochambeau and the Chevalier Destouches, commanders of the army and fleet sent by his Most Christian Majesty to the succour of his allies, for the zeal and vigilance they have, on every occasion, manifested to fulfil the generous intentions of their sovereign and the expectations of these States:

That he present their particular thanks to the Chevalier Destouches and the officers and men under his command, for the bravery, firmness and good conduct displayed in the late enterprize against the enemy at Portsmouth, in Virginia,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 31, folio 281. Another copy is in *United States Revolution*, VI.

<sup>2</sup> Here Charles Thomson resumes the entries.

in which, although the accomplishment of the object was prevented by unforeseen events, the arduous contest so gallantly and advantageously maintained, on the 16 March last, off the capes of Chesapeake bay against a superior British fleet does honor to the arms of his Most Christian Majesty, and is a happy presage of decisive advantages to the United States.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, APRIL 6, 1781

A letter, of 23 March, from Major General Greene, was read:<sup>1</sup>

*Ordered*, That it be referred to the Committee of Intelligence.

A representation from the delegates of Connecticut respecting the schooner *Spy*, was read; Whereupon,

*Ordered*, That the accounts of the schooner *Spy*, Robert Niles, master, be referred to the Board of Treasury to be liquidated and adjusted in specie value, and the sum due on such adjustment be placed to the credit of the State of Connecticut in specie, to draw an interest of six per cent. per annum from the time the same became due until paid.

A letter, of this day, from Josiah Throop, was read.<sup>2</sup>

A motion was made by Mr. [John] Mathews, seconded by Mr. [Thomas] McKean:

That Congress proceed immediately to the consideration of the present state of the affairs of these United States, in order that full information may be obtained thereon, and such measures adopted, as, in the opinion of Congress, shall appear best calculated effectually to prosecute the war against the enemies of these United States; to satisfy the creditors thereof, and restore the public credit: that for this

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 155, II, folio 13.

<sup>2</sup> The Connecticut representation is in the *Papers of the Continental Congress*, No. 66, II, folio 190; Throop's letter is in No. 78, XXII, folio 461.

purpose all public despatches, the reports of the Boards of War, Treasury and Admiralty (except such as the President, or a committee to be appointed for that purpose, shall, from time to time, inform Congress, require their immediate attention) be suspended until Congress shall have perfected such enquiry and taken the necessary measures in consequence thereof.

On a motion to postpone the consideration of the foregoing motion, the yeas and nays being required by Mr. [John] Mathews,

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Adams,	no	} no	Mr. Hanson,	ay	} ay
Lovell,	no		Carroll,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	no	} no	Mr. Bland,	no	} no
Root,	no		M. Smith,	no	
Wolcott,	no		<i>North Carolina,</i>		
<i>New Jersey,</i>			Mr. Burke,	ay	} ay
Mr. Witherspoon,	no	} no	Johnston,	ay	
Clark,	no		<i>South Carolina,</i>		
<i>Pennsylvania,</i>			Mr. Mathews,	no	} no
Mr. Montgomery,	no	} no	Motte,	no	
Wynkoop,	no		<i>Georgia,</i>		
<i>Delaware,</i>			Mr. Walton,	no	} no
Mr. McKean,	no	} no	Few,	no	
Van Dyke,	no				

So it passed in the negative.

After debate, the motion being amended, it was

*Resolved*, That the house be resolved into a Committee of the Whole, at 12 o'clock on each day, to take into consideration the present state of public affairs, in order to devise further measures effectually to prosecute the war against the enemies of these United States, to satisfy the creditors thereof, and to restore the public credit.<sup>1</sup>

<sup>1</sup> This resolution was also entered in the manuscript Secret Journal, No. 8.

On motion of Mr. [James] Madison, seconded by Mr. [John] Mathews:

*Ordered*, That the report of the committee appointed to revise the rules for conducting business be re-committed.

Adjourned to 10 o'Clock to Morrow.<sup>1</sup>

SATURDAY, APRIL 7, 1781

A letter, of 5, from the governor of New Jersey; and

A letter, of 28 March, from the governor of Virginia, with sundry papers enclosed; and

A memorial of Colonel Febiger; and

A letter, of 24 March, from Brigadier General Morgan, were read:<sup>2</sup>

*Ordered*, That copies of the letter from the governor of New Jersey be immediately transmitted to the president and supreme executive council of Pennsylvania, to the president of Delaware, and to the governors of Maryland and Virginia:

That the letter from the governor of Virginia and the memorial of Colonel Febiger be referred to the Board of War, and that the letter from Brigadier General Morgan be referred to the Board of Treasury.

A letter, of 6, from the Board of War, was read:<sup>3</sup>

*Ordered*, That it be referred to a committee of three, and that the committee confer with the president and supreme executive council of Pennsylvania on the subject matter thereof:

The members, Mr. [Thomas] McKean, Mr. [John] Mathews, Mr. [Jesse] Root.

<sup>1</sup> A petition from Robert Miller was read, as the indorsement shows. It is in the *Papers of the Continental Congress*, No. 42, V, folio 251.

<sup>2</sup> The New Jersey letter is in the *Papers of the Continental Congress* No. 68, folio 577; the Virginia letter is in No. 71, II, folio 79; Febiger's memorial, dated April 5, 1781, is in No. 41, III, folio 248; Morgan's letter is in No. 78, XVI, folio 147.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 147, VI, folio 387.

A letter, of 28 March, from Peter Deveaux, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War.

A report from the Board of War was read; Whereupon,

*Ordered*, That the resignation of Lieutenant Patterson, of Colonel Proctor's regiment of artillery, be accepted.<sup>2</sup>

A report from the Board of Treasury on the memorial of Nathaniel Rochester was read; Whereupon,

*Ordered*, That the following warrants issue on Thomas Harwood, commissioner of the continental loan office for the State of Maryland: one in favour of Ephraim Blaine, commissary general of purchases, for one thousand six hundred and two dollars and  $\frac{8}{10}$  in bills of the new emission, to enable the said commissary general of purchases to pay that sum to Colonel Thomas Hart for provisions furnished by the said Thomas Hart for the southern army, as appears by the certificates of the officer then commanding in that department, and the certificates of William Pendergast, deputy commissary general of purchases for the southern army, and for which sum the said E. Blaine, commissary general, is to be accountable; and another warrant in favour of Charles Pettit, assistant quartermaster general, on account of Colonel T. Pickering, quartermaster general, for one hundred and ninety-seven dollars and  $\frac{4}{10}$  of a dollar in the new emissions, to enable the said Charles Pettit to pay that sum to the said Thomas Hart for forage furnished to the southern army, as appears by the certificates of Major General Gates and Edward Dyer, deputy commissary of forage, and for which sum the said quartermaster general is to be accountable.<sup>3</sup>

The committee to whom was re-committed the report on the rules for conducting business delivered in a report.

The report of the committee, ||consisting of Mr. Varnum, Mr. Bee, and Mr. Vandyke,|| on the draft of instructions to

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 375.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 391.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 221.

the captains of private armed vessels, was taken into consideration; and thereupon,

Be it ordained, and it is hereby ordained, by the United States in Congress assembled, that the following instructions be observed by the captains or commanders of private armed vessels commissioned by letters of marque or general reprisals, or otherwise, by the authority of the United States in Congress assembled:

I. You may by force of arms attack, subdue, and seize all ships, vessels and goods, belonging to the King or Crown of Great Britain, or to his subjects, or others inhabiting within any of the territories or possessions of the aforesaid King of Great Britain, on the high seas, or between high-water and low-water marks. And you may also annoy the enemy by all means in your power, by land as well as by water, taking care not to infringe or violate the laws of nations, or laws of neutrality.

II. You are to pay a sacred regard to the rights of neutral powers, and the usage and customs of civilized nations; and on no pretence whatever, presume to take or seize any ships or vessels belonging to the subjects of princes or powers in alliance with these United States; except they are employed in carrying contraband goods or soldiers to our enemies; and in such case you are to conform to the stipulations contained in the treaties subsisting between such princes or powers and these states: and you are not to capture, seize or plunder any ships or vessels of our enemies, being under the protection of neutral coasts, nations, or princes, under the pains and penalties expressed in a proclamation issued by the Congress of the United States, the 9th day of May, in the year of our Lord one thousand seven hundred and seventy-eight.

III. You shall permit all neutral vessels freely to navigate on the high seas, or coasts of America, except such as are employed in carrying contraband goods or soldiers to the enemies of these United States.

IV. You shall not seize or capture any effects belonging to the subjects of the belligerent powers on board neutral vessels, excepting contraband goods; and you are carefully to observe, that the term contraband is confined to those articles which are expressly declared to be such in the treaty of amity and commerce, of the sixth day of February, 1778, between these United States and his Most Christian Majesty, namely: arms, great guns, bombs, with their fuses and other things belonging to them; cannon-ball, gun-powder, matches, pikes, swords, lances, spears, halberts, mortars, petards, grenadoes, salt-petre, muskets, musket-ball, bucklers, helmets, breast-plates, coats of mail, and the like kind of arms proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever.

V. You shall bring all such ships and vessels as you shall seize or capture, with their guns, rigging, tackle, apparel and furniture, and ladings, to judgment in any of the courts of admiralty that now are or hereafter may be established in any of these United States, in any court authorized by his Most Christian Majesty, or any other power in alliance with these United States, to take cognizance of captures and seizures made by the private armed vessels of these states, and to judicially hear and determine thereon.

VI. You shall send the master or pilot and one or more principal person or persons of the company of every ship or vessel by you taken, in such ship or vessel, as soon after the capture as may be, to be by the judge or judges of such court as aforesaid examined upon oath, and make answer to such interrogatories as may be propounded, touching the interest or property of the ship or vessel and her lading; and at the same time you shall deliver or cause to be delivered to the judge or judges, all passes, sea briefs, charter parties, bills of lading, cockets, letters, and other documents and writings found on board, proving the said papers by the affidavit of yourself, or of some other person present at the



capture, to be produced as they were received, without fraud, addition, subduction or embezzlement.

VII. You shall keep and preserve every ship or vessel and cargo by you taken, until they shall, by sentence of a court properly authorized, be adjudged lawful prize, or acquitted; not selling, spoiling, wasting or diminishing the same, or breaking the bulk thereof, nor suffering any such thing to be done.

VIII. If you or any of your officers or crew shall, in cold blood, kill or maim, or by torture or otherwise, cruelly, inhumanly, and contrary to common usage, and the practice of civilized nations in war, treat any person or persons surprized in the ship or vessel you shall take, the offender shall be severely punished.

IX. You shall, by all convenient opportunities, send to the Board of Admiralty, or Secretary of Marine, written accounts of the captures you shall make, with the number and names of the captives, and intelligence of what may occur, or be discovered, concerning the designs of the enemy, and the destinations, motions and operations of their fleets and armies.

X. One-third at least of your whole company shall be landmen.

XI. You shall not ransom or discharge any prisoners or captives, but you are to take the utmost care to bring them into port; and if from necessity you shall be obliged to dismiss any prisoners at sea, you shall, on your return from your cruize, make report thereof on oath to the judge of the admiralty of the State to which you belong, or in which you arrive, within twenty days after your arrival, with your reasons for such dismissal; and you are to deliver, at your expense or at the expense of your owners, the prisoners you shall bring into port, to a commissary of prisoners nearest the place of their landing, or into the nearest county goal.

XII. You shall observe all such further instructions as shall hereafter be given by the United States in Congress assembled, when you shall have notice thereof.

XIII. If you shall do any thing contrary to these instructions, or to others hereafter to be given, or willingly suffer such thing to be done, you shall not only forfeit your commission, and be liable to an action for breach of the condition of your bond, but be responsible to the party grieved for damages sustained by such malversation.

The Committee to whom were referred instructions for the masters of letters of marque &c. beg liberty to report, that altho' said instructions are very imperfect in many particulars, yet they are as extensive as the ordinances already existing, respecting the Marine, and as new instructions are immediately necessary for carrying into execution the Ordinance of the                      of March last, the Committee are of opinion that said instructions be adopted as they are. The Committee further report the following resolution:

*Ordered*, That the Board of Admiralty report, as soon as may be, proper regulations for the conducting and governing the vessels of war of the United States and other armed vessels.<sup>1</sup>

The House was resolved into a Committee of the Whole, and after some time the President resumed the chair and Mr. [John] Mathews reported that the committee have had under consideration the matter to them referred, and have made some progress.

[IN] COMMITTEE OF THE WHOLE.

Mr. Mathews in the chair.

*Resolved*, That there ought to be one general currency in bills of credit in these United States, in aid of the circulating medium in specie, to enable the United States

<sup>1</sup> This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 31, folio 231.

in Congress assembled effectually to prosecute the present war.<sup>1</sup>

Adjourned to 5 o'Clock to Morrow P. M.<sup>2</sup>

SUNDAY, APRIL 8th, 1781

The United States in Congress assembled, having received intelligence that an embarkation of a body of troops is in forwardness at New York, the object of which is the taking possession of the neck of land lying between the head of Chesepeak bay and the river Delaware, whereby all the stores and provisions on the peninsula may fall into the hands of the Enemy unless immediately removed:

WAR OFFICE, April 8<sup>th</sup>. 1781

SIR,

The Board have been honored with a communication of the intelligence from General Foreman indicating a design in the Enemy to possess themselves of the Peninsula between the Delaware and Chesapeake Bays for the purpose no doubt among others of collecting forage and provisions with which that country abounds and which from their being capable of becoming masters of the waters as well as with a small force holding possession of the Isthmus, we conceive will easily fall into the Enemy's hands. Congress will know the difficulties we shall experience in collecting a sufficient quantity of provisions for an army which will we presume be thought necessary to keep the Enemy at least in check and prevent their farther progress. It is well known that the public purchasers have obtained little flour or meat, and from the want of money but small quantities of salted provisions could be put up the last autumn. Yet, it is equally notorious that large quantities of flour and forage are collected in the peninsula at sundry places by private people and great numbers of cattle were fatted there, and these have been preserved in good order by the uncommon mildness of the winter, which put it in the power of the farmers and graziers to keep their cattle with little

<sup>1</sup> This resolution was entered only in the manuscript Secret Journal, No. 8.

A letter from David Forman, dated April 2, was read this day, according to the indorsement. It is in the *Papers of the Continental Congress*, No. 78, IX, folio 447.

<sup>2</sup> At this point George Bond makes the entries.

assistance from grain or short fodder, the herbage on their meadows having been abundant through the whole season. Not a few of the inhabitants of the Peninsula are known to be disaffected, and probably the cattle and forage these are possessed of are designedly kept for the enemy, as we know there was a similar plan in the lower parts of Pennsylvania, and in many parts of this Peninsula when General Howe landed at the Head of Elk. But if this was not the case we presume it both prudent and necessary that the means of subsistence should be kept out of the Enemy's hands, and transferred to our own troops. We therefore beg leave to submit to Congress the propriety of collecting all the provisions and forage in the country which will probably be exposed to the ravages of the Enemy, and as there is a body of troops now in the neighborhood we conceive they should be made use of upon the occasion, and that their commanding officer should be directed to send out parties and collect all cattle flour and forage which might otherwise fall into the Enemy's hands.

Should they not be wanted they may be returned to the owners; but if they should become necessary it will be a matter of hopeless regret that from any motives of delicacy they have fallen into the Enemy's hands, and then too it will be too late to take measures for obtaining them.

We therefore beg leave to report

That the Board of War be and they are hereby directed to take ~~order~~ effectual measures for the removal of all public stores and also of all beef cattle provisions and forage collected or stored, from the Peninsula between the Delaware and Chesapeak Bays and on the Jersey shore adjacent to the Delaware which may probably fall into the hand of the Enemy on an invasion. That the said cattle provisions and forage be transported to places of security and valued ~~under the direction of the commissary or~~ by proper persons, and certificates given by the Commissary General of purchases to the owners thereof specifying quantity, species and value.

That it be recommended to the Executives of N. Jersey, Pennsylvania, Delaware, Maryland and Virginia to give every assistance in their power to the officers appointed to collect secure the said provisions and forage ~~in the Peninsula and that the said Executives be assured that Congress will take measures for making Satisfaction to the Proprietors for all Provisions and Forage coming to the use of the Troops, and that as nothing but the necessity of the case induces them to direct this measure, all the articles not wanted for the Troops shall be~~

~~returned to the Owners or delivered to the order of the said Executives respectively.~~

P. S. We take the freedom to mention that if this measure is adopted secrecy and dispatch are necessary.<sup>1</sup>

*Ordered*, That the Board of War take immediate measures for the removal of the public stores within the said peninsula; and that it be and hereby is recommended to the Executives of the States of Delaware, Maryland and Virginia to take the like measures with respect to all the provisions and forage belonging to the said States respectively, or to the citizens thereof, which will not be necessary for the consumption of the inhabitants.<sup>2</sup>

[Adjourned to 10 o'Clock to Morrow]

MONDAY, APRIL 9, 1781

The House was resolved into a Committee of the Whole and after some time the President resumed the chair, and Mr. [John] Mathews reported that the Committee have had under their farther consideration the matters to them referred, but have not come to a conclusion.

A letter, of 4th, from General Washington, was read.

A letter, of 31 March, from the governor of Virginia, was read:<sup>3</sup>

*Ordered*, That it be referred to ~~the Board of War~~ a committee of three:

The members, Mr. [John] Sullivan, Mr. [Meriwether] Smith, Mr. [John] Mathews.<sup>4</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 148, I, folio 357.

<sup>2</sup> The proceedings for this day were also entered in the manuscript Secret (Domestic) Journal. At this point Charles Thomson resumes the entries.

<sup>3</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 63; the Virginia letter is in No. 71, II, folio 87. A letter of March 26, from the governor of Virginia, was also read on this day; it is in No. 71, II, folio 75, and was referred to the committee, as the indorsement shows. The letter of 31 was referred to the Board of War, April 12.

<sup>4</sup> A letter of Ephraim Blaine, dated this day, was read, as the indorsement indicates. It is in the *Papers of the Continental Congress*, No. 165, folio 397.

TUESDAY, APRIL 10, 1781

On motion of Mr. [Samuel] Adams, seconded by Mr. [James] Madison,

*Resolved*, That the Commander in Chief be, and he is hereby, authorised to employ an additional confidential secretary, and as many writers as he shall judge proper, to arrange and register the public letters and other documents in the office at head-quarters; and to assign such salaries for their respective services, as he shall think reasonable.<sup>1</sup>

On motion of Mr. [James Mitchell] Varnum, seconded by Mr. [Isaac] Motte.

*Ordered*, That no more of the bills heretofore drawn on the ministers plenipotentiary of these United States in Europe, (except those appropriated for the use of the southern army, and those appropriated and lodged in the hands of the Board of War,) be sold without special direction from the United States in Congress assembled, and that the Board of Treasury give orders accordingly.

*Ordered*, That a committee of three be appointed to devise ways and means for an immediate supply of the public treasury.

The members, Mr. [James] Duane, Mr. M[eriwether] Smith, Mr. [James Mitchell] Varnum.

The Committee appointed to confer with the Committee of the assembly of Pennsylvania upon the Report of the Board of War, Report,

That they have conferred with the Committee of the Assembly of Pennsylvania, and find that no assistance may be expected from the State of Pennsylvania to enable Congress to comply with the Report of the Board of War.

And that your Committee be directed to inform the Committee of the assembly of Pennsylvania, ~~that their request can not be complied with without deranging the whole system of finance and giving general~~

<sup>1</sup> This motion, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 36, IV, folio 369. It is undated.

That Congress have it not in their power to comply with the request ~~in their letter of the 6th inst.~~ of the assembly of Pennsylvania for the Loan of four hundred thousand Dollars.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.<sup>2</sup>

### WEDNESDAY, APRIL 11, 1781

The committee to whom was referred the letter from Dr. Oliphant, delivered in a report:

*Ordered*, That it be referred to the Board of War to take order.

The committee appointed to devise ways and means for an immediate supply of the public treasury delivered in a

<sup>1</sup> This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 20, II, folio 123. The indorsement shows that it was negatived April 10. Another version, also in Root's writing, is on folio 43 and is as follows:

The Committee to whom was referred the Report of the Board of War, and the Letter from the Committee of the assembly of the State of Pennsylvania take leave to Report,

That they have conferred with a Committee of the assembly aforesaid and find that no assistance is to be expected from them to enable Congress to comply with the report of the Board of War.

Your Committee further report, that the Committee of the assembly further state and urge the exhausted state of the Treasury, whereby they are rendered unable to comply with their engagements to the troops of their line previous to their marching to the southward, or to procure the supplies of flour wanted for the subsistence of the Army—and that in the course of three weeks they will be able to replace the sum asked for.

Whereupon your Committee submit the following Resolution:—That the Committee of Congress be directed to inform the Committee of the Assembly of Pennsylvania,

That the glorious cause we are engaged in, is the cause of the particular States as well as of the United States in Congress assembled, and that the means of effectually supporting it, must be derived from the particular States. That Congress have seasonably called upon them for the same, and by reason of an unhappy deficiency in the supplies asked for, Congress is unable to comply with the request of Pennsylvania, without deranging their system of finance, and giving general disgust to the other States. Yet Congress considers the marching of the Troops of the Pennsylvania line with all dispatch, and the procuring flour for the Army cannot be dispensed with; nor can the United States in Congress assembled consider themselves answerable for consequences which they have not had it in their power to prevent or remedy.

<sup>2</sup> On this or an approximate date a petition of Lieut. Louis Joseph de Beaulieu was read. It was referred to the Board of War. It is in the *Papers of the Continental Congress*, No. 42, I, folio 250.

report, which was read and taken into consideration, and, after debate:

*Ordered*, That it be postponed.

The report of the committee to whom was re-committed their report on the estimate of articles for the quartermaster's department, was taken into consideration; and Thereupon,

The Committee to whom was recommitted the estimate from the Board of War of stores wanted for the Quartermasters Department for the Northern Army beg leave to report,

That after examining the Contents of the Articles and the deductions made by the Board at the foot of the Account, and having conferred with the Board fully on the subject, they find no reason to recede from their former report: the Committee cannot however omit taking notice, that the returns of rent and stores on hand in the said Department is by no means so regular or exact as they ought to be: notwithstanding your Committee have seen a copy of an order issued by the Board of War to the head of the Quartermasters Department so early as the month of November last whereupon your Committee report the following Resolution:

*Ordered*, That the Board of Treasury report immediately the ways and means for furnishing the Board of War with the sum of two hundred and eighty-five thousand eight hundred and sixteen dollars and nineteen ninetieths in bills of the new emission or other money equivalent, in addition to the five hundred thousand dollars which, on the 22nd March last, they were ordered to report the ways and means of furnishing to the said Board, to enable the said Board to procure the articles necessary in the quartermaster general department, according to an estimate presented by the Board.<sup>1</sup>

The committee to whom was referred the letter, of 26 January, from J. Gibson, delivered in a report.

The report of the committee on the letters, of 2 and 3 of December last, from the minister plenipotentiary of these

<sup>1</sup> This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 22, folio 163<sup>a</sup>.



United States at the Court of Versailles, and the memorial from the minister plenipotentiary of his Most Christian Majesty, of 24 March, was taken into consideration; and, Thereupon,

The Committee to whom were referred the letters of the 2<sup>nd</sup> and 3<sup>rd</sup> of December last from the Minister Plenipotentiary from these United States at the Court of Versailles and the Memorial from the Minister Plenipotentiary of his Most Christian Majesty to these United States of the 24<sup>th</sup> of March 1781.

Report,

That upon the conference with his Most Christian Majesty's Minister Plenipotentiary, it appeared to your Committee that the Court of Versailles is at all times attentive to the situation and circumstances of these United States and extremely disposed to give every assistance which the peculiar affairs of France will admit of for extricating the affairs of these States from their difficulties and embarrassments. That his Most Christian Majesty will not only liberally perform all his engagements but also will give very powerful succours of Sea and Land forces for the operations of the ensuing Campaign. That the arrival of very considerable reinforcements of troops and ships of war may be seasonably expected; but that the disposition state and arrangement of his Finances will not admit of the supplying funds for the payment of bills of exchange drawn on the Minister of these States at his Court beyond the provisions already made which amount to one million of livres tournois for the last, and three millions of the same livres for the present year. Being however desirous of assisting these United States in measures for establishing their Finances, and for carrying their operations on with vigor and effect, his Majesty is willing that his Ministers make such arrangements respecting the supplying of his forces in America as may admit of the constituting a fund in France for the purposes of Congress, of the monies destined for the paying for such supplies, and therefore if Congress can give assurances that such supplies will be duly furnished, at the prices for which they could be purchased in specie payment shall be made by his Majesty's Paymaster in America in Bills on the Treasury of France, which shall be punctually discharged. That as this Proposition is intended for the convenience and advantage of these United States if Congress deem it inexpedient his Majesty does not wish them to adopt it; But if they deem it expedient it will be necessary

that they take measures for furnishing supplies of provisions for 12 thousand land and as many Sea forces at the least.

Besides this general subject his Most Christian Majesty's Minister communicated to your Committee that the Minister of Finance in France had obtained from the Minister of these United States a letter of credit on Congress for supplies to the amount of four hundred thousand dollars, which your Committee suppose to be the same mentioned in the letters from D<sup>r</sup> Franklin referred to them and which appears to have been in consideration for funds to enable him to discharge the bills drawn on him by Congress.

These last supplies your Committee are of opinion ought to be furnished at all events, as well because the faith and honor of Congress requires that they should perform engagements made by their Minister for procuring funds to enable him to pay their bills and support their credit as because it is probable that the supplies may be relied on for the subsistence of the succors which his Majesty has destined for the ensuing campaign, and your Committee know of no resources in the power of Congress from whence the said supplies can be furnished except from the arrears of the specific supplies required from the States by the Resolutions of the 25<sup>th</sup> of February 1780.

Your Committee cannot discover that any powers or resources at present vested in Congress can enable them to give assurances to be relied on for supplying the provisions which are the object of the first proposition communicated to them, and therefore are of opinion that Congress ought not to enter into such engagement.

Upon the whole they submit the following Resolutions,

That the Committee be instructed to inform the Minister Plenipotentiary of his Most Christian Majesty that Congress have a just and high sense of his Majesty's friendly and liberal attention to the affairs of these United States.

That the candor and sincerity becoming honest Magistrates and faithful Allies forbid their holding up assurances of the certainty of which they have not the fullest conviction.

That the situation of the affairs of these United States does not at present afford them such assurances for furnishing supplies of provisions for the forces which his Majesty has destined for the succor of these States, to be paid for in bills drawn by his Majesty's Paymaster on the Treasury of France, and they therefore cannot avail themselves of his Majesty's good intentions for enabling them to establish such a fund in aid of their finances.

*Resolved*, That the United States in Congress assembled will take every measure in their power for furnishing the supplies to the amount of four hundred thousand dollars for which their minister has ~~given a letter of credit on them~~ ~~for~~ entered into engagements, and will give immediate orders for forming magazines of flour, biscuit, Indian corn, and flesh provisions to be in readiness for the officers of his Most Christian Majesty:<sup>1</sup>

~~But at the same they cannot be absolutely certain that the quantity required can be delivered.~~

*Ordered*, That the Board of War cause Magazines of flower, Indian corn and flesh, to be formed of the arrears of the specific supplies, required by the Resolution of the 25<sup>th</sup> of February 1780 and cause hundred weight of biscuit to be prepared from the proper materials afforded by the said specific supplies. And they lay before Congress as soon as may be a return of the supplies aforesaid.<sup>2</sup>

*Ordered*, That the remainder of the report be re-committed.

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office, in favour of Cha. Thomson, Sec<sup>y</sup>, for three hundred dollars new emission, on account of money due to him.

The report of the committee on rules for conducting business was taken into consideration, and some progress being made therein;

TREASURY OFFICE April 11<sup>th</sup> 1781.

The Board of Treasury having considered the petition of William Kinnan copper plate Printer to the United States referred to them by Congress the 26<sup>th</sup> ultimo setting forth the insufficiency of the pay heretofore allowed him, and praying to be allowed a salary adequate to his services; and the Board having conferred with him on the subject find, that less than five hundred pounds specie or other current money equivalent per annum will not be satisfactory to him and in their opinion is no more than a sufficiency for his services. Whereupon the following resolution is submitted:

<sup>1</sup> This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

<sup>2</sup> This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 25, I, folio 435.

*Resolved*, That W<sup>m</sup> Kinnan, copper plate printer to the United States, be allowed a salary of 1333 dollars and  $\frac{1}{2}$  of a dollar specie, or other current money equivalent per annum.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

THURSDAY, APRIL 12, 1781

*Ordered*, That the letter, of 31 March, from the governor of Virginia, with the papers enclosed, be referred to the Board of War.

A letter, of 8, from General Washington, was read.

A letter, of 10, from J. Wilkinson, was read.<sup>2</sup>

*Ordered*, That Mr. Wilkinson be furnished with an extract of the letter required by him in his letter, of 10th.

A motion was made by Mr. [James] Madison:

That the Judges of Appeal in cases of capture hold their sessions at Williamsburg in the State of Virginia on the first Monday of November in each year; at Philadelphia on the first Monday of April; at Boston, Mass; Providence, R. I.; [or] Hartford in Connecticut on the first Monday of June; and at the place where Congress shall be sitting on the first Monday of September.

That when an appeal is prayed in any case and granted, the states order their respective Judges that full and fair copies in one record be sent up to the Court of Appeals.

That the appellant in every cause pay to the register of appeals thirty specie dollars or the real equivalent before the cause shall be argued—the said monies to be deducted from the salary of the said register.

That the Judges have a discretionary power of determining the costs, but that only one advocate's fee be charged upon the party who are to pay the costs at no more than thirty specie dollars for each cause or its real equivalent.

That the states be called upon to order their respective marshals to carry into immediate execution the decrees of judgment of the said

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 231. It was read on this day, as the indorsement indicates, but, apparently, not acted upon.

<sup>2</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 67. It is printed in the *Writings of Washington* (Ford) IX, 207. Wilkinson's letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 301.

Court under the penalty of dismissal by the said Court of Appeals and action for damages in the Courts of common law at the suit of the party injured.

That the Judges of appeal in cases of capture be also the Judges for the trial of piracies and felonies committed on the high seas, whose commissions shall be during good behaviour.

That their sessions be held at the places above mentioned and immediately upon the adjournment of the Court of Appeals.

That the states be called upon to order their sheriffs and Gaolers to attend the said Court when necessary; and to remove all persons charged with piracy or felony on the high seas to the goal most convenient for trial. That the States of R. I., Mass., [or] Connecticut, Pennsylvania and Virginia be requested to furnish proper apartments for holding the said Courts in their respective dominions.

That the Judges be authorised to appoint a person in each of the places above mentioned to act as register and clerk of the said Courts, whose salary shall be ~~800~~ 500 specie dollars per annum, or the real equivalent to be paid ~~quarterly~~ yearly from the Continental Treasury, the said officer paying all the incidental charges of the Court such as wood, paper, ink &c, and also an under officer to keep the peace and attend the Court while sitting.

That the Judges be complimented with a black robe by the United States as proper to appear in during the sitting of the Courts.

That as the expences of such extensive duty in travelling, books and other matters, will be great,

That the said Judges be allowed each five thousand dollars per annum, or the real equivalent to be paid by the Continental Treasurer in quarterly payments.

That the said Judges or their Registers be allowed or entitled to no perquisites of office whatever.<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [Thomas] Bee, Mr. [Thomas] McKean.

On motion of the Medical Committee:

*Ordered*, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of Thomas Bond, jun<sup>r</sup>, purveyor of the

<sup>1</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 137.

hospital, for thirty thousand dollars of the old emissions, twenty thousand dollars of which to be delivered to Nathan Brownson, deputy purveyor, to be applied to the use of the hospitals established for the southern army and the remaining ten thousand to be applied by the purveyor towards the paying persons necessarily employed in the general hospital northward of Virginia, for which sum of thirty thousand dollars the purveyor to be accountable.<sup>1</sup>

A report of the Board of Treasury was read; Whereupon, *Ordered*, That on the application of Mr. [Thomas] Burke, one of the delegates for the State of North Carolina, a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in his favour for thirty thousand dollars old emissions, for which the said State is to be accountable.<sup>2</sup>

A letter, of this day, from the Board of War, was read:<sup>3</sup>

*Ordered*, That it be referred to a committee of three, to confer with the Board of War:

The members, Mr. [John] Mathews, Mr. [John] Sullivan, Mr. [James] Madison.

*Ordered*, That Mr. [Thomas] Burke and Mr. [Samuel] Adams have leave of absence.

A motion was made by Mr. [Oliver] Wolcott, seconded by Mr. [Theodorick] Bland; and

Whereas Congress by their act of the 18<sup>th</sup> of March 1780 Recommended to the several States to collect by taxes or otherwise the Bills of public credit which had previously been emitted by the United States, that they might be cancelled and destroyed by the month of April 1781.

And whereas the events of the war have rendered it impossible for some of the States to comply with the aforesaid requisition. In consequence of which and the natural effect which unfavorable events have upon public credit in the places where they happen, the said Bills in

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 22, folio 37.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 225.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 361.

those States have greatly depreciated, which has occasioned their being brought into other States where this depreciation causes less effect, which circumstances together with the vast quantities of local currency which some of the States have emitted for their own use, and the want of an adequate taxation, added to the unavoidable causes mentioned in the said act of the 18<sup>th</sup> of March have so operated as to reduce every public measure to the greatest distress, embarrassment and dishonor. And not only so but the sacred principles of commutative justice are scandalously and with impunity violated by the vicious and profligate part of the community. Public virtue and industry are under heavy discouragement and the means necessary for the public safety are not provided for.

The Congress of the United States in Congress assembled being deeply impressed with the consideration of these public distresses, and being desirous to remove as far as it shall be in their power the pernicious causes operating to produce a fluctuation in the value of the public currency which while it shall continue will be not only attended with a greater expence and disadvantage to these States than to raise the sums by taxation sufficient to support the public expenditure. But will continue that derangement of our public finances which mark our present distresses. Congress being also impressed that the means necessary for the support of the war ought to be immediately provided for, have therefore thought fit to come to the following resolutions as being both just and necessary:

*Resolved*, That the several States who have not already collected the Bills of Public credit emitted by the United States previous to their act of March 1780, accelerate the collection thereof as fast as possible by taxes, loans or by exchanging the same for the new Bills ordered to be emitted by Congress by their act of the said 18 of March according to the Rate of Exchange in specie, which has or shall be fixed by the respective States. And that none of the said Bills emitted previous to the said 18 of March shall be current or redeemable after the       day of       next except that the possessors of such Bills shall be in the power of the Enemy or shall not be within the United States one month before the said       day of       next or shall belong to one of the United States as shall be so far in the power of the Enemy that the Legislature or Executive power of the State shall be prevented thereby from exercising their respective authorities. In which cases and upon reasonable proof thereof being made to the Executive of any State who shall not have collected to be destroyed the Quota of Bills assigned to such State

shall have an order from the Executive thereof upon their State Treasurer to exchange the same according to the rate ascertained by such State.

And whereas notwithstanding the provisions made for cancelling said old Bills of public credit, a considerable quantity of them will be unprovided for, owing as before mentioned to the events of the war.

*Resolved, therefore,* That Congress will make proper provision that the possessors of the said old Bills to the amount of what shall be assigned as the Quota of such States as shall be so far in the power of the Enemy as to prevent their compliance with the foregoing Resolution shall be entitled to and have the same equity done to such possessors as shall be agreeable to the foregoing Resolution.

And whereas it is indispensably necessary for the support of public credit that whatever can affect the same shall be under the direction of one superintending power who shall be able to control and restrain whatever may be injurious thereto. And in this view and to strengthen and confirm the union of these States Congress recommended to the several States that they did not on any pretence issue Bills of public credit for their own particular use otherwise than according to the recommendations of Congress.

*Resolved, therefore,* That unless the particular States shall discontinue to emit bills of public credit except by a recommendation of the United States in Congress assembled, and shall not as soon as possible cancel the Bills of public credit which they have otherwise emitted, The Representatives of these States will not consider themselves as responsible for that Injustice, Distress and Disorder, which must be the certain consequence of a practice of this nature.<sup>1</sup>

Another, on the same subject, was made by Mr. [Meriwether] Smith, seconded by Mr. [William] Sharpe:

#### SCHEME OF FINANCE.

1°. Let Congress now assume to itself the powers of the Confederation and make that act in all cases the rule of its conduct.

2°. Let Congress avail itself of the necessity which induced it to emit Bills of Credit prior to the ratification of that act, when it had not the power of making taxes productive for the support of the

<sup>1</sup> This motion, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 36, I, folio 147.



credit of the Bills, or for the redemption of them; and also of the uncertainty of the time of redemption; as a reason for extending the time of final redemption to suit the conveniency or ability of the United States.

3°. Let Congress apportion the sum of those Emissions among the States according to their respective Quotas and ordain that there shall be paid annually in specie or those identical Bills (dollar for dollar) by each State a portion of the respective quotas until the final redemption, which portion of the Bills when received shall be destroyed by burning them; leaving it optional in the respective States at the same time, to procure and pay into the Treasury of the United States their full Quotas of such Bills, at such time and in such manner as they may think best, within the time of final redemption, providing also that Congress will pay specie for the outstanding Bills when demanded after the expiration of the time of redemption and charge the same to the delinquent State or States.

4°. Let Congress, in order to comply with the present demands for money issue  $\frac{4}{10}$  of the Bills provided by the Resolutions of the 18<sup>th</sup> of March 1780, upon the funds established by each State, making the same a general currency by the powers of the Confederation pledging the United States as a counter security for punctual redemption. If any of the said Bills have been issued by the States, over and above the  $\frac{4}{10}$  let it be considered as a State Emission and redeemed accordingly. Let every thing contained in the said Resolutions except what relates to the  $\frac{4}{10}$  be repealed. Let the  $\frac{4}{10}$  issue with a reduction of interest according to the time of issuing compared with the date of the Bills; and let the respective States be called upon to pay into the Continental Treasury their respective quotas of the  $\frac{4}{10}$  either in specie or the identical Bills (dollar for dollar) within the space of one year from the time of issuing to save the payment of interest by destroying them; by this means the funds created by the acts of the respective Legislatures may be abolished, and the States thereby enabled to create new funds for the redemption of other money to be emitted by Congress.

5°. Let Congress upon further emergencies, emit Bills of Credit redeemable at the end of 4 or 6 years. Let each State be called upon to pay a portion of its quota of such Bills either in specie or the identical Bills, (dollar for dollar) annually in order to redeem them.

6°. Let Congress pursue this last principle in subsequent emissions, extending the time of final redemption according to the ability of the States to pay additional annual Taxes, having regard also to any.

depreciation which may arise from the superabundance of the circulating medium; which excess may always be restrained by the application of Taxes, payable in specie or the identical Bills, dollar for dollar.

7°. Let each State pass acts establishing a fund for the payment of their Quotas aforesaid pointing out the manner in which it will be productive annually; let these be transmitted to Congress and deposited in the Treasury office of the United States for the satisfaction of the public.

8°. In order to establish one general currency and to prevent the loss of credit which may fall upon the Emissions of Congress, by the deficiency of any State arising from the appropriation of its funds to the redemption of State Emissions, let a memorial be sent to the respective States representing the bad tendency of their emissions, and proposing at the same time to lend to their respective exigencies Bills emitted by Congress in lieu thereof.

9°. Let the respective States be called upon to pay punctually their respective Quotas according to the ordinances of Congress fixing the annual payments, and in case of any deficiency, without sufficient reason assigned and approved; let Congress remonstrate to the State deficient, against its conduct and demand full payment of arrears at a day certain; and if this shall not be productive of the money, let a prohibition issue against the commerce of such delinquent State until full payment be made.

10°. Let Congress call on the States for a revenue by duties &c on trade, payable in specie only to be deposited in the Treasury, and there to remain unappropriated (except for peculiar exigencies of the States) until the final redemption of the Bills emitted. Let a Receiver General be appointed in each State, to collect and pay these duties into the Treasury of the United States annually.

11°. Let a day certain be assigned for the settlement of public accounts annually, let the persons concerned settle with the Auditor General and pay their balances if any into the Treasury; let the Auditors certify to the Treasurer the delinquencies; let the Treasurer order prosecutions by an advocate in the respective States. Let judgments issue against delinquents upon motion, on ten days' notice.

Finally, Let Congress adopt and pursue this plan and be great and happy.

M. SMITH.

Note, with respect to old Emissions, Congress may allow 20 years or more for the redemption of it. The faith of the United States pledged by Congress upon issuing those Bills will not be

violated by Congress. The States may avail themselves of the Depreciation by purchase or by the payment of the Bills in taxes, in value equivalent to specie. If the States will do neither the Bills will circulate and be payable in taxes until finally redeemed thereby. Some who have lost by depreciation will have an opportunity of recovering their losses, and those who have gained by it will keep what they can. Some will make fortunes; none in future can be injured materially.

If these principles be adopted, ordinances may be directed to be prepared upon the resolutions agreed to.

Let Commissioners be appointed to liquidate the debts due from the United States by certificates according to their real value in specie, fixing the same by a scale of depreciation, and let Certificates issue for the same redeemable at the end of        years, bearing interest annually to be paid. Let these be considered as *Bank stock*, transferable only at the Bank or Treasury in some established form. Let funds be created for payment of this interest annually and for making provision for the principal at the day of redemption.<sup>1</sup>

*Ordered*, That they be referred to a committee of five:

The members, Mr. [Meriwether] Smith, Mr. [Oliver] Wolcott, Mr. [George] Clymer, Mr. [Jesse] Root, Mr. [John] Hanson.

A report from the Board of Treasury was read; Whereupon,

*Ordered*, That on the application of John Levinus Clarkson, clerk to the Board of Treasury, a warrant issue in his favour on Thomas Smith, commissioner of the loan office for the State of Pensylvania, for twelve thousand dollars old emissions to defray the contingent expences of the several offices in the treasury department, and for which sum he is to be accountable.<sup>2</sup>

*Ordered*, That the Board of Treasury agree with Mr. J. Pemberton for the rent of the house in which the President dwells.

<sup>1</sup> This motion, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 36, I, folio 141. The indorsement says it was seconded by Mr. [James Mitchell] Varnum.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 233.

TREASURY OFFICE *April 7, 1781*

The Board of Treasury beg leave to inform the United States in Congress assembled, that in execution of their Act of the 3<sup>d</sup> inst in favor of the under Secretaries and Clerks of Office, they have given orders that warrants may be made out for the respective balances agreeable to the Act of the 16 of March last to Wit. By admitting the exchange between Money of the old emissions and specie, at the rate of 140 for one, and between Money of the old and the new emissions at 75 for one and allowing 1 and  $\frac{2}{3}$  of a dollar in the New Money for each dollar due in specie. If this proceeding should be repugnant to the sense of Congress they will please to give orders to stop it.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

FRIDAY, APRIL 13, 1781

A letter, of 9, from J. D. Mercier;

A letter, of 10, from W. Gilleylen;

A petition of Elijah Weed;

A memorial of Francis Allison; and

A letter, of 10, from E. Forman and J. Gibson, were read:

*Ordered*, That the petition of Elijah Weed be referred to the Board of War.

A letter, of 7, from J. Nourse, assistant auditor general, was read;<sup>2</sup> Whereupon,

*Ordered*, That the Board of Treasury take order for the payment of the balance reported to be due to the said J. Nourse, and also to the messenger and doorkeeper, as if they had been specially included in the order of the 3d instant.

A letter, of 9th, from Cha. Stewart, commissary general of issues, was read:<sup>3</sup>

*Ordered*, That it be referred to the committee appointed to examine into the issues of the respective departments, &c.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 223. The indorsement shows that it was read on this day.

<sup>2</sup> Mercier's letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 167; Gilleylen's letter is in No. 78, X, folio 323; Weed's petition, dated April 7, 1781, is in No. 42, VIII, folio 225; Allison's memorial is in No. 41, I, folio 67; Forman and Gibson's letter is in No. 78, IX, folio 463; Nourse's letter is in No. 78, XVII, folio 135.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XXI, folio 43.

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [James Mitchell] Varnum:

That the salaries and pay of the Commissioners of the several boards and chambers of accounts, secretaries and clerks of said boards and chambers, officers in the Hospital Department, and all others employed in any civil department under the United States, where constant attendance to the duties of their office may be necessary, be suspended for all such time as any of the said officers may have been or shall be absent and not in the due exercise of the duties of their respective offices. That the accounts of the Commissioners of the boards and Chambers, and the principles in each other civil department shall before paid be duly certified as to the time of actual service by the respective claimants, and the accounts of all other officers in the civil departments, as to the time of their actual service shall be duly attested by their respective oaths or affirmations, previous to their receiving any pay.<sup>1</sup>

*Ordered*, That it be referred to the above mentioned committee.

A letter, of March 2, from John Lewis Gervais and Geo. Abbot Hall, was read, enclosing a bill in favour of J. Mathews, Esq<sup>r</sup>.<sup>2</sup>

*Ordered*, That the same be referred to the Board of Treasury.

A report from the Board of War was read; Whereupon,

WAR OFFICE April 7 1781

SIR,

The Board have considered the letters from the Commander in Chief and the Pay Master General respecting the extra Ration allowed to Officers to be drawn in kind. If the whole of the Ration was drawn in kind and perfect in every article and the Officers' pay was regularly given them, there might be strong reason in charging them with the extra ration. But as neither of these cases can happen under our present situation we agree with the Commander in Chief that the extra ration should be considered as a gratuity, subject nevertheless to the future order of Congress. It will therefore be

<sup>1</sup> This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, I, folio 151.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 297.

proper to authorize the Pay Master General to settle with the Officers independent of the extra Ration and perhaps the best way of doing it will be to refer the matter to the Board to take order without making it an Act of Congress.

We therefore beg leave to report

*Ordered*, That the letter, of 3, from J. Pierce, paymaster general, relative to the extra ration allowed to the officers of the army to be drawn in kind, be referred to the Board of War to take order.

As to the pay of the new levies or six or nine Months Men the Board have a considerable time ago, reported thereon to Congress, that it should be recommended to the States in which they were raised to pay them and charge the amount to the United States.<sup>1</sup>

Another report of the Board of War was read; Whereupon,

AT A BOARD OF WAR, *Jan<sup>y</sup> 16, 1781.*

Present Mr. Peters

Gen<sup>l</sup> Cornell

The board having taken into consideration the situation of the new Levies, lately discharged, submit the following resolution:

*Resolved*, That the Commander in Chief transmit to the executives of the several states lists of the names of all the new levies belonging to each State respectively, specifying their times of service and the sums due to them; such lists to be signed by the paymasters of the regiments in which the said new levies have served, countersigned by the commanding officer, and approved of by the brigadier or commanding officer of the brigade or corps; and that it be, and hereby is, recommended to the said states, to cause payment to be made to the said new levies, agreeably to such lists, on account of the United States.<sup>2</sup>

Another report from the Board of War was read; Whereupon,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 393.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 93.

WAR OFFICE April 9, 1781

SIR

The Board have considered the memorial of Col. Febiger referred to them by Congress and beg leave to observe that the delay he complains of, did not arise altogether from a want of knowledge in what manner to report his case. We were sensible if warrants were reported in his favor they could not be immediately paid and we were further informed by the Colonel that if all this was done, he was not ready to leave the City immediately. But to return to the point. The Board are of opinion that upon every principle the Colonel is entitled to as large an allowance as D<sup>r</sup> Skinner was, and if we judge from real service, we must say, much more; but there will be this difference, the Colonel has received one ration and forage for two horses p<sup>r</sup> day, which the Doctor did not. The Colonel's account being stated as follows; and the ballance granted will put them both nearly on a footing, without any distinction of service.

The time on command from the 2 <sup>d</sup> day of November 1780	
to the 1 <sup>st</sup> of March 1781 (when the Resolution allowing	
3 dollars p <sup>r</sup> day was repealed) is 119 days at 3 dollars	dollars
per day	357
To expences in joining his Regiment	50
	— 407
Contra C <sup>t</sup>	
By one ration p <sup>r</sup> day for four months at 5 dollars p <sup>r</sup> Month	20
By forage for two horses for the above time at 2/6 p <sup>r</sup> day	37
	— 57
	—
Ballance due	350

Should Congress agree in opinion with the Board it may be proper to Resolve

That a warrant issue on \_\_\_\_\_ in favor of Col. Febiger for three hundred and fifty dollars of the new Emission in full of his expences, while on command in the City of Philadelphia by order of Major General Greene, and in returning to join his regiment.

*Ordered,* That the Board of War draw a warrant on the paymaster general in favor of Colonel Febiger, for three months' pay and subsistence equal to three hundred dollars of the new emission, for which he is to be accountable;

Should Congress be of opinion that the repeal of the resolution respecting allowances to Officers on command should only operate on commands on which Officers were sent after that repeal and cannot affect those Commands which were not closed previous to the repeal, and also that no deductions should be made for the articles of forage and provisions, they will then please to order,

That another warrant issue on the commissioner of the loan office for the State of Virginia, in favour of the said Colonel Febiger, for four hundred and eighty-five dollars in bills of the new emission, for his expences on command.<sup>1</sup>

A motion was made by Mr. [James Mitchell] Varnum, seconded by Mr. [John] Mathews:

The United States in Congress assembled taking into consideration the report of the Board of Admiralty respecting John Paul Jones Esq<sup>r</sup> a Captain in the Navy, and being impressed with an high sense of his gallant and military conduct; of his zeal and sensibility for the honor of their flag; of his patriotic and successful enterprize to rescue from captivity and violence the citizens of these States, who had fallen under the power of a vindictive Enemy; and in general of the eminent and unremitted services which have given so much lustre to his character as a naval officer, and merited the warmest gratitude of his Country; Do therefore resolve that the thanks of the United States in Congress assembled be given to Captain John Paul Jones for his zealous, intrepid and brilliant services.

*Resolved* that a golden medal be presented to Cap<sup>t</sup> John Paul Jones, emblematical of the signal victory obtained by him over the British Ship the *Serapis*; and that the Board of Admiralty take order herein.<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James Mitchell] Varnum, Mr. [William Churchill] Houston, Mr. [John] Mathews.

On motion of Mr. [John] Sullivan, seconded by [Mr. John] Mathews:

*Resolved*, That in future all ~~demands~~ applications of ~~officers and soldiers~~ persons serving in the Army for ~~pay or for monies advanced~~

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 401.

<sup>2</sup> This motion, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 36, I, folio 157.



settlement of accounts be ~~laid before~~ made to the auditors of the army and Liquidated by them.

That all demands of other persons against the United States be ~~laid before~~ made to the Board of Treasury and Liquidated by them.

That all applications of persons serving in the Army for payment of sums due from the United States be made to the paymaster and those of other Creditors to the Treasury Board, and that such demands as appear properly vouched be paid in whole or in part as the State of the Finances or the General Instructions of Congress may point out.

That two members from Congress attend at the Treasury Board to assist in Liquidating accounts and stating to Congress such ~~special~~ demands as ~~cannot be settled by the general principles~~ require the particular intervention of Congress for settling the same.

That all applications ~~for arrears of clothing~~ respecting rank Discharges or Resignations be made in the first Instance to the Board of War.

That two members of Congress attend the Board of War and in Conjunction with the board to report to Congress such applications as may require the particular intervention of Congress.<sup>1</sup>

*Resolved*, That, for the future, all applications of persons serving in the army, for settlement of accounts, be made immediately to the auditors of the army:

That all applications of persons serving in the army, for payment of liquidated sums due from the United States, be made immediately to the paymaster, accompanied with the proper warrants:

That all similar applications of other creditors of the United States, be made immediately to the Board of Treasury, [to be liquidated and discharged, either in whole or in such equal proportion, as the Board of Treasury shall, with the approbation of the United States in Congress assembled, from time to time generally direct.

*Resolved*, That all applications respecting rank, discharges, losses of horses, cloathing, or other articles, in the service,

<sup>1</sup> This motion, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 36, 1V, folio 375. It is undated.

and for arrears of cloathing and other articles, be made in the first instance to the Board of War.

*Resolved*, That all applications for resignations be made to the Commander in Chief, or to the officer commanding in a seperate department.

On motion of the Medical Committee:

*Ordered*, That a warrant issue on John Hopkins, commissioner of the continental loan office for the State of Virginia, in favor of Thomas Bond, Jun<sup>r</sup>, purveyor of the hospital, for five thousand dollars of the new emission, to be by him put into the hands of Nathan Brownson, deputy purveyor, to pay three months' salary and wages due to the officers and others employed in the hospital established for the southern army and to procure supplies for said hospital, for which sum the said purveyor is to be accountable.

The Board of War, to whom was referred the letter, of March 28th, from Peter Deveaux, delivered in a report; Whereupon,

WAR OFFICE *April 9, 1781*

SIR

The Board have considered the Memorial of Major Devoux referred to them by Congress, and beg leave to observe, that by the Act of Congress of the 8<sup>th</sup> day of January 1780, pay was allowed for all horses killed in action, and by their Act of the 29<sup>th</sup> day of November last, pay is allowed for horses w unded in Action, provided they are delivered to the Q. Master. By the Major's certificate it does not appear to the Board, his cases come under either of the aforementioned resolutions, as it is expressly said, he lost him on a retreat. As to that part of his Memorial that respects his pay, the Board can only say the Major appears to them, to have been serving in no other capacity than that of a volunteer, and while they applaud his zeal they cannot report any pay due to him, as they are convinced Major General Gates had two aids regularly appointed at the same time; nevertheless should Congress be of opinion, that a gratuity ought to be made him, in that case, it may be proper to resolve

*Ordered*, That a warrant issue on ~~Thomas Harwood~~ Thomas Smith, commissioner of the continental loan office

for the State of ~~Maryland~~ Pennsylvania, in favor of Peter Deveaux, for three hundred and sixty dollars in bills of the new emission in full for his services in the southern army.<sup>1</sup>

A motion was made by Mr. [Jesse] Root, seconded by Mr. [Oliver] Wolcott:

*Ordered*, That it be referred to the Board of Treasury.]<sup>2</sup>

*Ordered*, That Mr. [Oliver] Wolcott have leave of absence.

The committee to whom were referred the letter, of March 1, from General Washington, and the memorial of Colonel Hazen; and

The committee on the letter, of 30 March, from Colonel Pickering, delivered in their reports.<sup>3</sup>

Adjourned to 10 o'Clock to Morrow.

#### SATURDAY, APRIL 14, 1781

A report from the Board of War on the letters, of 21, 24, 27 March, from Colonel Pickering, was read:

WAR OFFICE April 6, 1781.

SIR

We have the honor to lay before Congress the enclosed papers for their consideration on the subject of the proposed Alterations in the Systems of the Provision Departments. The whole matter is so clearly stated in these papers, that it is unnecessary for us to enlarge thereupon.

Should Congress be of opinion that the Duties of the Quarter Master General are so great as not to admit of ~~any further burthen~~ the whole being thrown upon him, we conceive that it will very little interfere with the business of his department if it was directed

That the Deputy or Assistant Quarter Masters at any fixed Posts shall without any additional Salary do the duty of Commissaries of Prisoners whenever there is a Necessity therefor by the arrival of Prisoners at their Posts.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 397.

<sup>2</sup> The portion in brackets was entered in the Journal by George Bond.

<sup>3</sup> A letter of April 7 from the Board of War, relative to the transportation of General Lafayette's detachment, was read, as the indorsement indicates. It is in the *Papers of the Continental Congress*, No. 148, I, folio 353.

That in all business relating to Prisoners they shall take the Direction of the Commissary General of Prisoners to whom and to the Board of War monthly returns of all prisoners under their care shall be duly transmitted. That all Commissaries of Prisoners at any fixed posts be and they are hereby discharged.

That in future the office of Assistant Quarter Master General be abolished and the Quarter Master General shall himself examine or direct his deputy at the place where Congress shall sit to receive and examine all Estimates and applications for Monies required for the use of the Department, previous to their being laid before the Board of War for their Approbation and report to Congress.

P. S. Should Congress be of opinion that the Commissary General of Purchases is unnecessary and do not choose to adopt the plan on the extensive scale it may be proper to Resolve

That the Office of Commissary General of Purchases be abolished and the duties prescribed in the Regulations for that Department devolve on and be executed by the Commissary General of Issues.<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Theodorick] Bland, Mr. [Artemas] Ward, Mr. [Isaac] Motte.

The committee ||consisting of Mr. Varnum, Mr. Houston, and Mr. Mathews||, to whom was referred the motion of Mr. [James Mitchell] Varnum, delivered in a report; Whereupon,

The United States in Congress assembled, having taken into consideration the report of the Board of Admiralty of the 28 March last, respecting the conduct of John Paul Jones, Esq. captain in the navy, do

*Resolve*, That the thanks of the United States in Congress assembled, be given to Captain John Paul Jones, for the zeal, prudence, and intrepidity, with which he hath supported the honor of the American flag; for his bold and successful enterprises to redeem from captivity the citizens of these states, who had fallen under the power of the enemy; and in general for the good conduct and eminent services by which he has added lustre to his character and to the American arms.

That the thanks of the United States in Congress assembled, be also given to the officers and men who have faithfully

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, VI, folio 409.

served under him from time to time, for their steady affection to the cause of their country and the bravery and perseverance they have manifested therein.

That a medal of Gold emblematical of the victory obtained over the British ship of war the *Serapis* be presented to Captain John Paul Jones, and that the Board of Admiralty take order therein.<sup>1</sup>

On motion of Mr. [Abraham] Clark, seconded by Mr. [John] Sullivan,

*Resolved*, That the commissioners of the continental loan offices in the several states be, and they are hereby, directed to exchange with the treasurers of their respective States, all such bills of credit of the old emissions as now are or may come into their hands, by the sale of bills of exchange or on loan for bills of credit of the new emissions issued in the same State, in order that the said bills of the old emissions may be drawn out of circulation as soon as possible.

A report from the Board of War was read; Whereupon,

WAR OFFICE *March 29, 1781*

SIR

The Board have considered the reference of the Memorial of Major Tudor and deem his account just. There are great numbers of officers in his situation having old recruiting accounts and advances made by them to settle. If Congress deem it proper that these accounts should be paid at this time they will direct it to be done, but probably the best method will be, as the finances will not admit of payment of the whole, to direct the Auditor of the army to settle the accounts according to the Table of Depretiation and give certificates of such settlements which will entitle the Officers possessing them to payment when the public are enabled to make it. If this should be agreeable to the opinion of Congress, it will be proper to resolve,

*Ordered*, That the auditors of the army settle all accounts for monies heretofore advanced by officers out of their private funds for their regiments or companies, and which are now

<sup>1</sup> This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 36, I, folio 155. The last paragraph is marked "negatived." At the end of the report is written by some one not on the committee: "God send it to be true."

due agreeable to the scale of depreciation established by the Treasury Board, and give certificates in specie of the sums due, that the officers entitled thereto may receive the same when the state of the public finances will admit of payment thereof: provided that no charges be allowed by the said auditors, but for such pay or articles as the soldiers were entitled to receive by resolutions of Congress, and which were not supplied by the United States, or the State to which they respectively belonged.<sup>1</sup>

A motion was made by Mr. [Samuel] Adams, seconded by Mr. [Theodorick] Bland,

That the Board of Admiralty be directed to enquire into and report to Congress, the cause of the detention of the prize-money due to the seamen in the service of the United States in Europe and America.

On the question to agree to this, the yeas and nays being required by Mr. [Samuel] Adams,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Sullivan,	ay	} *	Mr. Carroll,	ay	} *
<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Adams,	ay	} ay	Mr. Bland,	ay	} *
Lovell,	ay		<i>North Carolina,</i>		
Ward,	ay		Mr. Sharpe,	ay	} ay
<i>Connecticut,</i>			Johnston,	ay	
Mr. Huntington,	ay	} ay	<i>South Carolina,</i>		
Root,	ay		Mr. Mathews,	ay	} ay
<i>New Jersey,</i>			Bee,	ay	
Mr. Clark,	ay	} ay	Motte,	ay	
Houston,	ay		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Few,	ay	} ay
Mr. Atlee,	ay	} ay	Howly,	ay	
Clymer,	ay				
<i>Delaware,</i>					
Mr. Rodney,	ay	} *			

So it was resolved in the affirmative.

A report from the Board of Treasury was read; Whereupon,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, V, folio 1.

TREASURY OFFICE *April 12<sup>th</sup> 1781*

The Board of Treasury, to whom was referred on the 7<sup>th</sup> inst a letter from Brigadier General Morgan dated the 24<sup>th</sup> ultimo requesting payment for a quantity of corn furnished Col Archibald Steel late D<sup>r</sup> quarter master general to the Southward as appears by his Certificates therein enclosed at the request of General Gates, have considered the same, and are of opinion that as the General furnished the Corn for the public service at a time when public credit rendered it difficult to procure supplies of that kind for the service he ought to receive immediate payment for the same: and Col<sup>o</sup> Pettit having applied to the Board for the sum of 96,408 dollars Virginia paper money in the hands of the Managers of the United States Lottery for the use of the quarter masters department, to be applied towards the payment of old debts due in the State of Virginia or, on current business: The Board are of opinion, that as this sum will be more than sufficient to discharge in full Gen<sup>l</sup> Morgan's demand, the residue may be applied to the most pressing purposes of the department, and therefore submit the following Resolution:

*Resolved*, That a warrant issue on the Managers of the United States Lottery in favor of Charles Pettit assistant quarter master general on account of Major General Greene late quarter master general for ninety six thousand four hundred and eight dollars Virginia paper money, forty-seven thousand seven hundred dollars of which he is to apply to the payment of Brigadier General Morgan's demand for the corn furnished Col Archibald Steel late D<sup>r</sup> Q<sup>r</sup> Master Gen<sup>l</sup> to the Southward: and the residue to be applied to the most pressing purposes of the department, in the State of Virginia, at the discretion of the assistant quarter master, for which sum of ninety six thousand four hundred and eight dollars the said Major General Greene late quarter master general is to be accountable.<sup>1</sup>

*Ordered*, That the following warrants issue on the managers of the United States lottery, one in favour of Charles Pettit, assistant quartermaster general, on account of Major General Greene, late quartermaster general, for twenty-four thousand dollars Virginia paper money, to be applied to the payment in part of the debt due to Brigadier General Morgan for corn furnished Archibald Steel, late deputy quartermaster to the southward; and another in favour of John Pierce, paymaster

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 235.

general, for seventy-two thousand four hundred and eight dollars like money, for the use of his department;

That on the application of George Bond, deputy secretary, a warrant issue in his favour on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for ten thousand dollars old emissions, to defray the contingent expences of the Secretary's office, and for which sum the said George Bond is to be accountable.<sup>1</sup>

That all the Quarter Masters' and Commissaries' certificates be immediately called in, and those given previous to the       day of

last be liquidated, according to the value of the articles supplied at the time of their being so supplied and Loan office certificates given in lieu thereof agreeable to such liquidation, in specie; and for those given in specie subsequent to the said       day of Loan office certificates be likewise given according to the sums specified on the face thereof.

That in payment of all taxes on account of the United States the possessor of such certificate shall be authorized and empowered, when called on for such tax to write off on the back of the said certificates the amount of his then tax to be paid, which receipt shall be attested by the collector of the said tax, and so from time to time proceed until the whole shall be thus written off when the said certificate shall be delivered up to either of the Loan offices to be cancelled.

That in future all taxes to be levied by the several States on account of the United States, be separate and distinct from that for the support of their internal government.

That all other debts now due from the United States (except such as are owing in Europe,) be in like manner liquidated and settled, the certificates to be made payable in three years, with interest at ten p<sup>r</sup> cent.

That the faith of the United States be solemnly pledged to appropriate from year to year so much of the monies arising from the impost granted to the U. S. as shall be necessary for the annual discharge of the interest arising on the debts so funded.

That a subscription be opened at the several Loan Offices in the U. S. for borrowing for the term of ten years the sum of five million of dollars in specie at an interest of 10 p<sup>r</sup> c<sup>t</sup> for the payment of which Interest the remainder or so much of the produce of the aforesaid impost shall be in like manner pledged, each subscriber to receive a

<sup>1</sup> This paragraph is in the *Papers of the Continental Congress*, No. 136, V, folio 239.



note for the whole of his subscription at the time of his subscribing, depositing at the same time one-fourth part of his subscription, and the remainder to be paid in at three different quarterly payments. Provided always, that if any subscriber shall neglect or refuse to pay in his quota of the said subscription within ten days after the same shall become due, then and in such case, the note he shall so as aforesaid have received shall be deemed null and void and he be entitled to no more than he shall have actually paid in, and receive a new note accordingly.

That for the more certain discharge of the principal so to be borrowed as aforesaid a tract of 5,000,000 of acres of the lands that have been granted to the U. S. be laid off and mortgaged to the aforesaid subscribers, with a condition therein contained to this purport, that if the U. S. shall within one month after the expiration of the aforesaid ten years pay and satisfy to the said subscribers the full principal and interest of the sums respectively due to ~~the said subscribers be paid and satisfied that~~ them, then and in such case the aforesaid mortgage be cancelled; otherwise the equity of redemption be absolutely and to all intents and purposes foreclosed.

That the precious metals uncoined be received in payment of subscriptions. Gold at        and silver at        .<sup>1</sup>

The Committee to whom was referred the letter of the Quarter Master General, beg leave to submit the following resolution:

That the certificates issued by the Commissary and Quarter Master General under the authority of Congress, to be paid in specie or other money equivalent shall be received from the States within which the same shall have been issued, towards the discharge of their respective quotas called for by the requisition of Congress of the        of March last, computing the Interest due thereon to the time assigned for discharging such quota: and that certificates issued to creditors of these United States by Commissaries and Quarter Masters, previous to issuing the certificates above mentioned shall also be received towards the discharge of such quotas after the same shall be reduced to the specie value of the Articles for which the same were given, agreeable to and in the manner prescribed by a resolution of Congress of the 26<sup>th</sup> of August last, and in all cases where the real value of the Articles for which such certificates were granted, cannot be ascertained by the rule prescribed in the last mentioned resolution: The value of such certificates in specie shall be computed and settled at the rate of depreciation established by Congress on the 28<sup>th</sup> day of June last, for payment of loan office certificates.

<sup>1</sup> This motion, in the writing of John Mathews, was offered this day according to the indorsement. It is in the *Papers of the Continental Congress*, No. 36, I, folio 159.

That it be earnestly recommended to the several Legislatures to take effectual measures for settling the value of, and receiving the certificates last mentioned in such manner that equal justice may be done both to the public and to individuals.

That such parts of the letter referred as relates to the issuing Commissaries, and to the Quarter Masters Department, be referred to the Board of War.<sup>1</sup>

Adjourned to 10 o'clock on Monday.

MONDAY, APRIL 16, 1781

A letter, of 12, from General Washington; and

One, of 7, from the governor of Virginia; and

One, of 20 March, from Major General Greene, were read.<sup>2</sup>

On motion of Mr. [Thomas] Bee, seconded by Mr. [Joseph] Montgomery:

*Ordered*, That a committee of three be appointed to confer with the supreme executive council of Pennsylvania and the Board of War, and devise means for putting the Pennsylvania line in motion:

The members, Mr. [Theodorick] Bland, Mr. [Joseph] Montgomery, Mr. [Thomas] Bee.

A letter, of 13, from the Board of War, was read, enclosing a letter, of 2, from Colonel Clark:<sup>3</sup>

*Ordered*, That the same be referred to the Board of War to take order, so far as the stores requested can be conveniently spared.

The report of the committee ||consisting of Mr. Varnum, Mr. Clark and Mr. Van Dyke|| on the letters from the Board of War and the paymaster general, of 30th of March last, was taken into consideration; Whereupon,

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, V, folio 161. It was delivered on this day, and is in the list of postponed reports in No. 31, folio 371-<sup>2</sup>.

<sup>2</sup> Washington's letter is in the *Papers of the Continental Congress*, No. 152, X, folio 73; the Virginia letter is in No. 71, II, folio 97; a copy of Greene's letter is in No. 172, I, page 105.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 60, folio 29.

On the same day a letter of 16 on the same subject from the Board of War was read and referred to the Board of War. It is on folio 23.

*Resolved*, That in settling the accounts of officers returned from captivity, the auditors consider their pay to the first of August last, in bills of the old emissions, agreeable to the usual mode of paying the army; and from the said first day of August, till such officers returned from captivity or rejoined their corps, in bills of the new emissions issued agreeable to the resolution of the 18 March, 1780:

That subsistence money be allowed to the said officers, at the rate of one-sixth of a dollar per ration, in specie; and that the monies paid to them by the commissary of prisoners, pursuant to former resolutions, be charged as so much advanced.

*Resolved*, That the states who have not considered their said officers in captivity, in settling the depreciation accounts of their lines of the army, receive and adjust their demands for depreciation in the same manner as though they had not been in captivity.

*Resolved*, That the demands of officers retiring from service in pursuance of the last reform of the army, and who were not attached to the line of any particular State, whether for pay, subsistence, forage or depreciation, be adjusted by the auditor of the army in some one of the departments or districts: that the balances respectively due be certified in specie value, and duplicates be transmitted to the Board of Treasury; that in settling the depreciation accounts, the resolution of Congress of the 28 day of June last, be considered as the scale.

*Resolved*, That all warrants issued by the Board of War, in favour of officers returned from captivity, for specie, contrary to the tenor of these resolutions, be recalled.<sup>1</sup>

The committee ||consisting of Mr. Sullivan, Mr. Smith, Mr. Mathews,|| to whom was referred the letter, of 26 March last, from the governor of Virginia, delivered in a report; Whereupon,

<sup>1</sup> This report, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 28, folio 43.

*Ordered*, That Governor Jefferson be informed, in answer to his letter of the 26 March last, that it is incompatible with the rules established by the United States in Congress assembled, for Colonel Davis to exercise a civil appointment whilst he retains his rank in the army,

~~but that he is permitted in case it be his option to resign the latter without forfeiting any of the other provisions or emoluments reserved to officers of equal rank reduced by the late assignment.<sup>1</sup>~~

Adjourned to 10 o'Clock to Morrow.

## TUESDAY, APRIL 17, 1781

A letter, of 14, from General Washington, was read:

*Ordered*, That extracts from the same and also from the letter, of 12, be sent to the supreme executive council of Pennsylvania.

A letter, of 30 March, from Major General Greene, was read:<sup>2</sup>

*Ordered*, That the memorial from Doctor F. Allison, read 13, be referred to the Board of Treasury.

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [John] Sullivan:

Suppose the Minister of France will agree to vest Congress with the amount of two hundred thousand dollars in specie, and to the same amount in Bills of Exchange on the Treasury of France drawn by their Paymaster General what would be the best mode of disposing of those sums for the advantage of our Ally, and for the service of the United States, to give a spring to the credit of our money and to restore public credit in general.

I would propose the following mode:

Let ~~two~~ one hundred and fifty thousand dollars in Bills of Exchange be immediately appropriated to the payment of bread, flower, beef, pork and other articles of grain, provision and forage according to an estimate to be delivered to Congress by the Commander in Chief of the French army; and fifty thousand dollars in specie be appropriated

<sup>1</sup> This report, in the writing of John Sullivan, is in the *Papers of the Continental Congress*, No. 20, II, folio 259.

<sup>2</sup> A copy of Washington's letter is in the *Papers of the Continental Congress*, No. 169, VIII, page 94; the draft is in the *Washington Papers*, A. VI, pt. I, 55. Greene's letter is in the *Papers of the Continental Congress*, No. 155, II, folio 17.

to the same purpose; the other fifty thousand dollars in bills to be lodged in the Treasury of the United States; and one hundred and fifty thousand dollars specie to be likewise lodged in the Treasury as aforesaid. Let the 150,000 in bills and the 50,000 in cash be apportioned and sent on to the different States, whose Executives shall contract with certain persons for the delivery of double the quantity of all the articles which their respective sums would purchase, agreeing to pay for one half immediately on the delivery thereof, and for the other half in six months afterwards, the first payment to be made  $\frac{2}{3}$  in Bills of Exchange and  $\frac{1}{3}$  in specie, the second payment in Bills of the new Emission at their current value when paid.

The money remaining in the Treasury to be applied to the payment of the interest of Loan Office certificates, or the interest due on the new bills already emitted, and a loan immediately opened for the new money.<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Theodorick] Bland, Mr. [Daniel] Carroll, Mr. [William Churchill] Houston.

A report from the Board of Treasury on the orders, of 22 March and 11th instant, was read:

TREASURY OFFICE, April 16, 1781.

Upon the two Orders of Congress, one of the 22d of March last, to provide 500,000 dollars, and the other of the 11th instant, the additional sum of 285,816 19/90 dollars of the New Emission, for the use of the Quarter Master General's department, the Board beg leave to report,

That the War to the former part of the last year was carried on by Emissions of paper money, and by Loans, when the monies emitted amounting to two hundred millions of dollars and the Certificates given for those loaned, got into such a current of depreciation that farther Emissions became unadvisable, and therefore were determined against. On the 18 of March, 1780, the old Emissions were consolidated, and new Paper was to issue, upon which the War on the part of the United States was to be supported, and in the mean Time monthly Quotas of 15,000,000 old dollars, and specific Articles to supply the Army were demanded of the States; and the Certificates for monies loaned were not only put upon an equitable, but a generous footing.

<sup>1</sup> This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, I, folio 161.

The system of the 18 of March not meeting with general Approbation, either among the foreign or home Merchants and Traders, or with the Legislatures of the States, it never has, or can be pushed into efficient Operation; some of the States have not issued the New Paper, and the Board are of Opinion never intend to do it. That which has been issued has a partial Circulation and is of different Value in different states, and has already depreciated at least one hundred per cent.

Neither the Monthly Quotas or specific Articles demanded of the States have been supplied, except in part, and no prospect of farther Compliance, or more punctuality in future—the special Calls of Congress of the 26 of August and 4 of November last having been entirely unattended to.

The Loan Offices feeling these Effects, have not produced money sufficient to discharge the Interest of Money already loaned. By these means the Army has long been and remains without Pay and frequently has been reduced to a state of Want; and public Credit and Confidence are almost totally expiring; to recover which, and to be enabled to carry on the War, other Funds must be provided, and New Measures adopted; for from every Experience Congress ought not to depend upon punctual supplies from the States. Were the Balances due by the respective States paid, or expected to be paid, the public difficulties would be greatly relieved; but the Board are of Opinion that drawing for them would be a mere delusion. There are or ought to be in the states of Virginia and Maryland seven thousand Hogsheads of Tobacco under the direction of the Commercial Committee as yet unappropriated, as the Board supposes, and which they are of Opinion should be sold for the use of some of the departments of the Army.

The new Money not having yet been brought into the respective Loan Offices in any Quantity, and no prospect of its being so in all, and not at all in some; the Monthly Quotas and the Special Calls of Congress upon the States not having been complied with; and Congress having declined drawing Bills of Exchange, the Board have it not in their Power to report the Ways and Means of furnishing the 785, 816 19/90 dollars of the New Emission for the Use of the Quarter Master General's Department.<sup>1</sup>

*Ordered*, That it be referred to the before mentioned committee.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 241.

A report of the Board of Treasury, on an application of Wm. Paulding, was read:

TREASURY OFFICE April 10<sup>th</sup> 1781<sup>1</sup>

The Board of Treasury beg leave to report,

That Col W<sup>m</sup> Paulding late a Deputy Commissary under the late Commissary Gen<sup>l</sup> Joseph Trumbull (deceased) has exhibited to this Board an account against the United States which has been settled by Jonathan Trumbull Commissioner for settling the accounts of the late Commissary Gen<sup>l</sup> aforesaid who certifies that the sum of two thousand nine hundred and eighty eight pounds seventeen shillings, and seven pence lawful money equal to nine thousand nine hundred and sixty two dollars and  $\frac{2}{3}$  of a dollar is due to the said W<sup>m</sup> Paulding as far back as Sep<sup>r</sup> 1777. Whereupon the following order is submitted:

*Ordered*, That at the instance of the said W<sup>m</sup> Paulding the Board of Treasury pass to his credit the sum of £2988 17 7 specie value equal to nine thousand nine hundred and sixty two dollars and  $\frac{2}{3}$  of a dollar being a balance due to him as late D<sup>r</sup> Commis<sup>r</sup> General under the late Commissary Gen<sup>l</sup> Joseph Trumbull (deceased): the balance aforesaid having been ascertained by Jonathan Trumbull Commissioner for settling the accounts of the late Commissary General Joseph Trumbull: and that the sum aforesaid bear an interest of 6 per cent per annum from the ~~first of~~ <sup>negatived</sup> September, 1777, — day ——— when the account was settled until it shall be more convenient to pay the same.<sup>1</sup>

*Ordered*, That the same, together with their reports respecting J. Lloyd, be re-committed.

A representation from Coulaux la Vigne, agent for Penet de Costa Freres & Co., was read:

*Ordered*, That it be referred to the Committee of Commerce.

On motion of Mr. [Theodorick] Bland, seconded by Mr. [Thomas] Bee:

*Resolved*, That the cloathier-general, before he enters into office, shall give bond in such sum as the Board of Treasury shall think sufficient, with two or more sufficient sureties, for the due performance of his office, which bond shall be lodged in the treasury office.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, V, folio 227.

Congress proceeded to the election of a cloathier general; and, the ballots being taken, Mr. John Moylan was elected, having been previously nominated by Mr. [Thomas] Burke.

*Ordered*, That Monday next be assigned for electing a Secretary of Marine.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, APRIL 18, 1781

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *April 16<sup>th</sup> 1781*

Upon the motion of Mr Root in Congress seconded by Mr Woolcot, and referred to the Board of Treasury the following information and resolution is submitted:

The sum of 2935  $\frac{5}{8}$  dollars in specie value was due to Eleazer Wales of Hartford a late Commissioner of accounts on the 14<sup>th</sup> of June 1780 the time he resigned his Office, and Whereas it appears that the said Eleazer Wales will loan the money aforesaid due to him with interest from the time the same became due.

*Ordered*, That the Board of Treasury direct William Imlay, commissioner of the continental loan office for the State of Connecticut, to issue loan office certificates of specie value in favour of Eleazer Wales, late a commissioner of accounts, for two thousand nine hundred and thirty-five dollars and eighty-eight ninetieths, in discharge of his account of salary due the 14 of June, 1780.<sup>1</sup>

The committee ||consisting of Mr. Duane, Mr. Sharpe, Mr. Wolcott|| appointed "to estimate and state the amount of the debts due from the United States, with the necessary estimates for the current year as near as can be done, in order that the same may be laid before the respective legislatures" brought in a report;

That they have attended to this business; but from the unsettled condition of the publick accounts they can only give a general view of the publick debts.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, V, folio 245. A marginal note says: The principal sum 2935 $\frac{5}{8}$ . The sum with interest to this day 3111 dollars.



By returns made to the Board of Treasury up to the 16th February, 1781, it appears that from the opening of the loan offices to the first day of March, 1778, there has been bor-

Dollars.	Int. payable in bills on France.	An. interest (Specie) <sup>1</sup> .
7, 313, 306	438, 798 <sup>3</sup> / <sub>4</sub> t	

rowed, the sum of-----

From last February, 1778, to dates of last returns, 53,245,138, valued [by the table of depreciation] at-----

Amount of bills of exchange drawn on commissioners and ministers at the Court of France, for payment of three years interest-----

Do. drawn on ministers at that and other courts for supplies, and to answer pressing emergencies on account of deficiencies in the publick treasury-----

Supplies by them purchased and sent over, for which payment has not been made, and of which no exact returns have yet been obtained, together with expences of commissioners and ministers abroad, estimated at-----

4, 962, 172

1, 316, 394

2, 165, 578

360, 000

2, 518, 028

6, 000, 000

18, 275, 478

<sup>1</sup> The words in brackets are in the report but not in the Journal.

Deduct for depreciation on money borrowed from 1st Sept. 1777, to 1st March, 1778-----

Principal sum specie-----  
Due to the army for pay and subsistence, up to the last of December, 1780, estimated-----

Due to the civil officers of government-----  
Besides the above, there are large debts contracted by the quartermaster and commissary, for part of which they have settled with the persons who have furnished the supplies, and given them certificates, bearing interest, viz:

The late quartermaster has returned debts settled-----

Unsettled, (excluding those contracted in North Carolina, South Carolina and Georgia) estimated at-----

The present quartermaster has not made returns; but as it is well known that he

Dollars.	Int. payable in bills on France.	An. interest [Special].
883, 914		
17, 391, 564	An. Inter-	1, 096, 528½
	est	
1, 000, 000		
18, 391, 564		
98, 927		

20, 758, 850

27, 149, 870

has not been supplied with money, whatever exertions have been made or supplies furnished in that department must have been on credit. It is to be presumed that the debts by him contracted up to 1 Jan. 1781, amount in specie to—

The commissary of purchases has made returns of debts due in his department amounting to-----

To this is to be added what yet remains of the old currency unredeemed, suppose---

To which may be added for navy debts, &c., for debts due in the departments of the Board [of War], of the commissary general of military stores and the cloathier general, estimated at-----

500, 000

11, 388, 903

160, 000, 000

10, 702, 377

Total in continental at 75 for 1----- 230, 000, 000 is 3, 066, 666 $\frac{2}{3}$

To which adding the new money issued in lieu of the old which is called in and destroyed-----

2, 000, 000

8, 927]

24, 057, 157 $\frac{2}{3}$

[Deficiency of civil list debts-----

Total debts in specie-----

The distresses of the army for want of provisions, and their uneasiness and dissatisfaction for want of pay, have been so great and so notorious, and the clamours of public creditors so loud, that it is become necessary to state the measures which Congress have pursued, and the steps they have taken from time to time to support the war, to provide for public exigencies, and to guard against the dangers and embarrassments with which we are now threatened for want of timely supplies of money.

It cannot be forgotten that these United States were plunged into a war, and that an army was drawn together before any money was provided, or funds established for defraying the expence thereof. Arms, ammunition and implements of war were all to be procured, as well as provisions, subsistence, and pay for the troops, suddenly called forth to oppose an enemy already in the heart of our country, and in possession of one of our capital towns. In this situation of affairs Congress met in May, 1775. They had no resource from whence to derive present supplies but that of emitting bills of credit, redeemable at a future day. This was an expedient which was well known, and had often been practised to good effect in the several colonies. Accordingly, on the 22 of June, 1775, they agreed to emit bills of credit to the amount of two millions; and on the 25 of July following encreased the sum to three million dollars;—for the redemption of which they pledged the confederated colonies, and directed each colony to provide ways and means to sink its proportion or quota, which was then ascertained, in such manner as would be most effectual and best adapted to the condition, circumstances and equal mode of levying taxes in such colony, in four annual payments; the first to be made on or before the last of November, 1779, before which

time it was hoped the contest might be brought to a conclusion. On the 29 of November following, an estimate having been formed of the public expences already arisen, and which might accrue in the defence of America, to the 10 of June, 1776, Congress resolved to emit a further sum of three millions of dollars, to be redeemed as the former, by four annual payments, the first to be made on or before the last day of November, 1783. It was at the same time resolved, that the proportion or quota of each respective State should be determined according to the number of inhabitants of all ages, including negroes and mulattoes in each colony; and for this purpose it was recommended to the several assemblies, &c. to ascertain by the most impartial means in their power the number of inhabitants in each respective colony, and make returns thereof to Congress as soon as possible.

At this time a hope was still entertained that an accommodation would take place, and that hostilities would soon cease. But having received advices, in the winter following, that Great Britain had contracted for a large body of Hessian and other German mercenaries, which were to be sent over to subdue America, Congress found it necessary to make suitable preparations, which consequently increased the expence; and therefore, on the 17 of February, they ordered four millions of dollars to be emitted on the same security as the former sums; and on the 9th of May following, emitted five millions more on the like security.

The powerful fleet and army sent against America in the summer of 1776, and the professed design of Great Britain to subdue by force, or to bring the colonies to unconditional submission, obliged Congress to declare Independence, and to call in the aid of militia, and consequently increased the expence; and therefore, on the 22 July, they emitted five millions more.

But as it was foreseen that such repeated issues of bills of credit would encrease the quantity to too great a degree, and consequently occasion their depreciation, it was resolved on the third of October following to borrow five millions of dollars; and in November, a lottery was set on foot for raising a farther sum on loan.

As the governments of the several states were not yet sufficiently organized and in vigour, and as the expences of arraying and equipping the militia were great, and the resources from commerce cut off, it was not thought proper to proceed to taxation. And as neither loans nor the lottery were sufficiently productive, necessity compelled to farther emissions of bills of credit. By this means the paper currency being multiplied, began to depreciate. It was therefore resolved on the 10 September, 1777, to prepare an earnest recommendation to the states to proceed to taxation. The invasion of Pennsylvania, and the removal of Congress from Philadelphia, prevented this from being done as soon as might have been wished; but on the 22 November, 1777, it was recommended to the states to raise by taxes, for the service of the year 1778, the sum of five million dollars, and to pay the same into the public treasury in four quarterly payments. Previous to this it had been resolved to borrow larger sums; and to encourage the money holders to lend, it was agreed to pay the interest by bills of exchange drawn on our Commissioners in France.

Unfortunately the tax failed, and the sums obtained from loans were greatly inadequate to the expenditure: consequently more money was emitted; and notwithstanding the favourable turn in our affairs in 1778, depreciation encreased with amazing rapidity.

At the close of the year, 1778, the sums emitted and borrowed amounted to about one hundred and eight millions. Congress, anxious to put a stop to any farther

emissions, and to provide a fund for redeeming what was issued, called upon the states on the 1 January, 1779, to pay into the continental treasury their respective quotas of fifteen million dollars for the service of that year, and of six millions annually, from and after the year 1779, as a fund for sinking the emissions and loans to the 31 December, 1778; and on the 21 May following, in addition to the above, on account of the great depreciation of the paper, the states were called on to furnish for the service of the year 1779, their respective quotas of forty-five millions—the whole to be paid into the continental treasury before the 1 January, 1780. A compliance with these requisitions would not only have answered the necessary exigencies of the year, but would have arrested depreciation in its progress. But as these were not complied with in due time, and as the demands of the public were pressing and constant, the prospect of future taxes served only as a stimulus to urge those who had in their possession the supplies and necessaries wanted, to enhance the price, in order to pay their taxes with greater ease: while at the same time the public treasury, receiving no recruit from taxes, was from time to time replenished with new emissions; and from these causes combined, depreciation, instead of receiving a check, proceeded with redoubled vigour.

As the failure of the states was attributed to their not having received the requisitions in due time, Congress resolved in future to remedy that defect; and therefore, early in the fall of 1779, took into consideration the means of providing for the ensuing year; and on the 6 October, accommodating themselves to the depreciation as it then stood, and still flattering themselves that the taxes already called for, if duly collected, would stop it where it was, and answer demands

on the public till February following, they called upon the states to pay into the public treasury on the first day of February, 1780, and on the first day of each succeeding month, to the first of October inclusive, their respective quotas of fifteen millions.

It should be observed that on the first of September, 1779, the sum emitted and in circulation amounted to 159,948,880 dollars; and as there was a general outcry on account of the depreciation and the floods of money emitted, Congress resolved that they would on no account whatever emit more bills of credit than to make the whole amount of such bills two hundred millions. And as 40,051,120 dollars remained to complete the two hundred millions, they on the 3d of the same month resolved that they would emit such part only of the said 40,051,120 as should be absolutely necessary for the public exigencies, before adequate supplies could be otherwise obtained, relying for such supplies on the exertions of the several states.

This was represented to the states in an address dated the 13 of September; and they were earnestly entreated not to leave Congress without supplies, nor to let in that flood of evils which would follow from such a neglect. Notwithstanding this earnest address and representation, Congress were compelled by necessity to issue the remainder of the two hundred millions; and the army was in such extremity for want of provisions, that the Commander in Chief was reduced to the sad alternative, either to suffer it to disband, or to collect supplies by military force. He preferred the latter, and the inhabitants of New York and New Jersey, though they felt the injury, saw the necessity, and patiently submitted.

To prevent the like evils in future, Congress, on the 25 of February, 1780, called on the states forthwith to procure their respective quotas of supplies in enumer-



ated articles for the ensuing campaign. And as by the continual depreciation of the continental currency, the community was suffering great injustice, the public finances were deranged, and the necessary dispositions for the defence of the commonwealth much impeded and perplexed, they on the 18 of March, 1780, recommended that the fifteen million monthly tax should be continued from October to April, 1781, inclusive; and that thirteen of those monthly quotas, namely, from March, 1780, to April, 1781, both inclusive, should be applied solely to redeem or sink the old money, which was to be cancelled and burned as fast as brought in; and in lieu thereof, new money was to be emitted in the proportion of one of the new for twenty of the old; so that when the whole two hundred millions were drawn in and cancelled, ten millions new money would be thrown into circulation; of which four tenths were to have been subject to the order of Congress, and the other six tenths to belong to the several states. The effects of this resolution, if it had been punctually executed according to the intention of Congress, would have been—1. The cancelling the old money; 2. reducing the currency to a more fixed standard; 3. supplying the states with money to purchase the supplies required from them by the act of the 25 of February; and 4, enabling Congress to pay the army, discharge the principal debts already contracted, and to provide for the exigencies of the ensuing campaign. But as this was not done, Congress was again driven into temporary expedients.

The enemy knew our situation, and were exerting their utmost efforts to take advantage of it. The southern states were invaded. A descent was threatened on New Jersey. The posts on Hudson's river were in danger.

In order to put the army in motion, Congress were obliged to raise money by drawing bills on their ministers abroad; although they had not sufficient assurances

that those bills would be honored. On the 19 May, Congress called upon the states, from New Hampshire to Virginia, both inclusive, to collect and pay into the public treasury, in thirty days, ten million continental currency, part of the sums required to be paid last year. The states, in order to comply with this, pressed the collection of taxes, which occasioned such a clamour from those who had furnished supplies on credit, that on the 27 of the same month Congress recommended to the legislatures of the several states to empower the collectors of continental taxes due before the 1 March, 1780, to receive in payment thereof the notes or certificates which had been given by the quartermaster and commissary of purchases for such supplies.

Until the opening of this campaign, the army had borne their sufferings with unparalleled patience and perseverance. What pay they had hitherto received had been chiefly in depreciated money. Congress had not been unmindful of their sufferings and faithful services. As early as September, 1776, they had resolved to make provision for granting lands in certain proportions to the officers and soldiers who would engage in the service, and continue therein to the close of the war, or until discharged by Congress, and to the representatives of such officers and soldiers as might be slain by the enemy. On the 15 of May, 1778, they resolved unanimously that all military officers commissioned by Congress, who then were, or thereafter might be, in the service of the United States, and continue therein during the war, should, after the conclusion thereof, receive annually for the term of seven years, if they lived so long, one half of the pay then established for such officers, with a proviso, that general officers should not receive more than the half pay of a colonel; and it was also resolved, that non-commissioned officers and soldiers enlisted for the war

should, at the expiration thereof, receive a reward of eighty dollars.

On the 17 August, 1779, having prefaced their resolution with a preamble setting forth that the army of the United States of America, by their patriotism, valor and perseverance in defence of the rights and liberties of their country, were entitled to the gratitude as well as approbation of their fellow citizens, they recommended it to the several states to make such further provision for the officers and soldiers enlisted for the war, to them respectively belonging, and who should continue in service till the establishment of peace, as should be an adequate compensation for the many dangers, losses, and hardships they may have suffered in the course of the contest; either by granting to their officers half pay for life, and proper rewards to their soldiers, or in such other manner as might appear most expedient to the legislatures of the several states. And it was farther recommended to the several states to make such provision for the widows of such of their officers and such of their soldiers enlisted for the war, as had died or might die in the service, as would secure to them the sweets of that liberty for the attainment of which their husbands had nobly laid down their lives.

On the 10 of April, 1780, they resolved, that as soon as the state of the public finances would admit, they would make good to the line of the army, and the independent corps thereof, the deficiency of their original pay occasioned by the depreciation of the currency; but none were to derive benefit from this resolution except such as had engaged to serve during the war, or for three years, and were then in service, or should thereafter engage to serve during the war.

And now on the 13 August, 1780, they resolved that from and after the first of the said month, the army

shall receive their pay in the new bills emitted pursuant to the resolution of the 18 of March, 1780, and again recommended to such of the states as have not made compensation to their officers and soldiers, agreeably to the resolution of the 17 August, 1779, to do it as soon as possible. At the same time the provision for granting lands was extended to the general officers; and on the 24 of the same month the resolution of the 15th of May, 1778, granting half pay for seven years to the officers of the army who should continue in service to the end of the war, was extended to the widows of such officers as had died or should thereafter die in the service, to commence from the time of such officer's death; or, if there should be no widow, or in case of her inter-marriage, that it should go to the orphan children of such officer.

And it was recommended to the legislatures of the states to which such officers belonged to make provision for paying the same on account of the United States.

Still the public treasury remained unsupplied; and the army continued without pay, and oftentimes in great distress for want of provisions. Debts were accumulating, and the creditors more and more clamorous.

Under these circumstances Congress, on the 26 of August, 1780, earnestly recommended to the several states to take the most speedy and effectual measures in their power for drawing in their respective quotas of the continental bills of credit, by taxes or otherwise, in order that the new money might be issued. And at the same time it was recommended to the states to raise by taxes, payable in the said new bills, their respective quotas of three million dollars; and to pay the same into the public treasury as soon as possible, the payment to be fully compleated by the last day of December following. From this it was hoped that Congress would

draw a supply of money to enable them to pay the army, and carry on the war with vigor; to discharge the unfunded debts; and to pay the interest due on loan office certificates. Their expectations were again disappointed. The consequences that ensued from the failure, though alarming and painful to recollect, were far short of what might have been apprehended. Yet the requisition of the 15 January, 1781, after the mutiny in the Pennsylvania and Jersey lines, for 879,342 dollars for the immediate pay of the arrears due to the army, has not yet been complied with.

This recapitulation is made, not with a view to criminate, but to show that Congress have done every thing in their power to carry on the war, and to prevent the embarrassments under which our affairs now labour.

It now remains to estimate the supplies necessary for the current year; and to point out the measures already taken for obtaining those supplies.

Congress by their resolutions of the 3 and 21 of October last, have resolved that the army for the ensuing campaign shall consist of six legionary corps, four regiments of artillery, fifty regiments of infantry, and one regiment of artificers, amounting to thirty-five thousand seven hundred and forty-eight rank and file.

The pay and subsistence according to the present establishment for one

year amounts to	\$5, 104, 385
Provisions for ditto	4, 357, 012
Quartermaster's department estimated	4, 000, 000
Hospital department	200, 000
Ordnance department	266, 666 $\frac{2}{3}$
Navy department	400, 000
Debts due to the civil officers under Congress	98, 927 $\frac{1}{3}$

Civil list and contingencies for the current year-----	\$1, 885, 000
Arrears due to the army up to 31 December, 1780-----	1, 000, 000
Two years' interest on certificates payable at the several loan offices-----	595, 466 $\frac{1}{2}$
Certificates given by quartermasters and commissaries, &c. estimated----	1, 500, 000
No charge is made for clothing, new arms, or ammunition, as it is hoped the measures taken for procuring them will be effectual-----	
Total-----	\$19, 407, 457 $\frac{1}{2}$

The measures taken for obtaining these supplies:

By the act of the 4 of November last, the states have been called upon to furnish the provisions necessary, amounting to-----	\$4, 357, 012
By the same act they are called upon to raise and pay into the continental treasury, in four quarterly payments, the first payment to be made the 1 June next-----	1, 642, 988
The requisition of the 26 August, 1780, which has not yet been received, is relied on as indispensable-----	3, 000, 000
The old money must be called in and cancelled; for until that is done no regularity can be introduced into the finances, nor any dependence placed on any requisitions made. For as the old currency is daily depreciating, and as the same, by laws of many of the states, is made a standard by	

which to value the new money, unless it be speedily destroyed, it cannot fail to sink the new. It is therefore indispensably necessary, that it be called in without delay. This will give the United States in Congress assembled a command of new money to the amount of-----	3, 200, 000
The duties on imports and prizes, which, from the propriety as well as necessity of the measure, it is not to be doubted but the several states will readily grant on the terms proposed by Congress, will, it is presumed, produce in the course of the current year-----	500, 000
And as it is to be presumed that the states have taken measures to comply with the requisitions of January, May, and October, 1779, it is hoped they will now see the necessity of carrying those measures into effectual execution, or at least take the necessary steps for calling in the quartermasters' and commissaries' certificates to the amount of their respective deficiencies, which by a return from the Board of Treasury are-----	468, 201
On the 16 March last the states were called on for their respective quotas of one and a half million dollars quarterly, the first payment to be made 1 June next. Three quarterly payments amount to-----	4, 500, 000

Suppose the foregoing funds productive,  
 still there will be a deficiency to be  
 provided for, amounting to----- 1,739,256 $\frac{1}{3}$

Total----- \$19,407,457 $\frac{1}{3}$

~~To make up the deficiency, no other more practicable means can be devised than to require the following states to give up of their 6 tenths of the new money to the amount of \$1,739,256 $\frac{1}{3}$  in the following proportions, viz:~~

New Hampshire.....	\$54,351
Massachusetts.....	380,463
Rhode Island.....	65,222
Connecticut.....	217,407
New Jersey.....	108,704
Pennsylvania.....	326,110
Delaware.....	43,481
Maryland.....	217,407
Virginia.....	326,111 $\frac{1}{3}$
	<hr/> \$1,739,256 $\frac{1}{3}$

~~From the situation of the Southern States and the distressed condition of New York it is judged improper to call on them.~~

~~This requisition is not to interfere nor in any wise be construed to dispense with the states sinking one sixth of the new emission according to the tenor of the act of the 18th of March, 1780.~~

It will moreover be necessary to provide funds for paying the interest of the debts contracted in Europe. With a view to this, Congress, in their requisition of February, 1780, among other specific supplies, called upon the states of Virginia and Maryland to furnish a quantity of tobacco, which it was expected might have been shipped to France, and been the beginning of a fund for defraying the expences of our ministers at foreign courts, and paying the interest of moneys borrowed in Europe. But the want of ships last fall, and the naval superiority of the enemy in Chesapeake Bay this spring, have prevented the public from deriving any advantage from that requisition.



It has been before observed, that the debts contracted abroad amount, by computation, to the sum of six million dollars, the annual interest of which is three hundred and sixty thousand dollars. The annual interest of the money borrowed on certificates previous to the 1 March, 1778, and which is to be paid by bills drawn on our minister at the Court of France, amounts to 438,798 $\frac{1}{2}$ .

The credit and honor of the United States require that a fund should be provided not only for defraying this interest, but also for discharging the principal, or at least those certificates for the interest of which bills are to be drawn annually on our minister, who has no fund to apply to that purpose, and who therefore has to depend on the success of his solicitations, as it becomes due.

And what equally concerns the honor of the United States, a fund should be provided for defraying the expences of our ministers abroad. This shows the absolute necessity of the states immediately granting the duties on imports and prizes as requested by Congress.

Before we conclude it may not be amiss to observe, that from the constant depreciation of the currency, and the unpunctuality of the states in complying with the requisitions of Congress, the sums called for when paid in have heretofore always been greatly inadequate to the purposes designed.

~~It is therefore recommended that for the future wheat or flour or beef be made the standard, and that in all requisitions hereafter made the states be called upon to pay in such certain sums of money, or so much as will be equal in value to or will purchase a certain given quantity of wheat flour or beef.<sup>1</sup>~~

and the same being twice read, debated by paragraphs and agreed to:

<sup>1</sup> A copy of this report, in the writing of George Bond of the Secretary's Office, is in the *Papers of the Continental Congress*, No. 26, folio 259. It was entered only in the manuscript Secret (Domestic) Journal and in No. 12, (Estimates).

*Ordered*, That copies thereof be sent to the several states.

The committee to whom was referred a letter or representation, of 10 March, in the name and behalf of the general court of the Commonwealth of Massachusetts, delivered in a report.

A motion was made by Mr. [James] Madison, seconded by Mr. [William] Sharpe:

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James] Madison, Mr. [James Mitchell] Varnum, Mr. [William] Sharpe.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, APRIL 19, 1781

A letter, of 28 March, from the governor of New York, was read, with sundry papers enclosed:<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [William Churchill] Houston, Mr. [James] Madison, Mr. [Samuel] Adams.

A letter, of 19, from N. Brownson, was read:

*Ordered*, That to Morrow be assigned for electing an assistant deputy purveyor for the hospital for the southern army.

A letter, of 18, from E. Cornell;<sup>2</sup> and

A representation and petition from Major General A. McDougall; and

A petition of Maurice Desdevens, were read:

*Ordered*, That the petition of Maurice Desdevens be referred to the Board of War.

A letter, of 18, from the president of the supreme executive council of Pennsylvania, was read, with letter enclosed:<sup>3</sup>

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 372.

<sup>2</sup> Brownson's letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 165; Cornell's is in No. 78, VI, folio 23.

<sup>3</sup> McDougall's petition is in the *Papers of the Continental Congress*, No. 42, V, folio 255; Desdevens's petition, dated March 25, 1781, is in No. 43, folio 61; the Pennsylvania letter is in No. 69, II, folio 341, and a copy of the enclosure on folio 365.

*Ordered*, That a copy thereof be transmitted to the Commander in Chief and that he be directed to take effectual measures for immediately enquiring into and correcting the abuses therein mentioned and for bringing the offenders to condign punishment.

A letter, of 29 March, from P. Schuyler, was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James] Duane, Mr. [Theodorick] Bland, Mr. [William Churchill] Houston.

On motion of Mr. [James] Duane, a delegate for the State of New York, in pursuance of instructions from his constituents, it was resolved as follows:

Whereas differences have arisen between quartermasters and commissaries, and persons claiming to be creditors of the United States, for articles furnished by or taken from them, and for services performed by them, for which no vouchers have been given, or for which the vouchers may be lost, or having vouchers it is doubtful whether the accounts can be adjusted in either of the departments of quartermaster general or commissary general; to remedy which,

*Resolved*, That every such claim as aforesaid, which shall have been submitted to the inspection of the continental commissioners for auditing and adjusting accounts, and by them certified, shall, by the quartermaster or commissary, be allowed and may be paid, or certificates given for the same, in like manner as is directed by the act of Congress of the 26th day of August, 1780.

The report of the committee, ||consisting of Mr. Adams, Mr. Duane, Mr. Wolcott,|| to whom was referred the letter of March 10th, in the name and behalf of the general court of Massachusetts, was taken into consideration; and the same being read twice, and agreed to:

The letter under consideration represents "That there is reason to suppose that the State of Massachusetts is

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 153, III, folio 547.

called on for contributions in an undue proportion to her abilities. That the duty on imports and prizes required by Congress will be an unequal burthen on some of the states. That it is impossible, if the proposition should be acceded to at all, that it will be on any other plan, than that the produce shall be passed to the credit of the State. And that its mercantile interest object against it as partial, alledging that it is notorious that the commodities which they import are vended below their cost."

Your committee have deliberately considered these several objections; and are persuaded of their insufficiency to justify any alteration in the act to which the objections are made, either as to the duty itself, or the manner of its application. Nothing is more to be wished, than that Congress was enabled to assign to the respective states their quotas of aids on fixed and equitable principles. The necessity of it, as early as the year 1775, was fully understood. The states were then called upon to sink by taxes their respective proportions of the bills of credit ordered to be emitted. It was directed that the quota of each should be determined according to the number of its inhabitants of all ages; and the governments then in being were pressed to ascertain by the most impartial means in their power, and to return as soon as possible, the number of inhabitants. This recommendation was in vain attempted to be enforced. With very few exceptions, it has been neglected to this day. The Confederation prescribed another rule for fixing the quotas of aids for the common defence or general welfare, namely, that they shall be supplied by the several states in proportion to the value of all appropriated lands, and the houses and buildings in the respective states. But the attainment of such an estimate, *flagrante bello*, is difficult; perhaps in some

states, which are the seat of war, impracticable; in every view it must be remote. Thus Congress, without an accurate knowledge of the comparative wealth and abilities of the respective states, were, from the necessity of the case, obliged not only to call for aids, but to apportion those aids on such information as they possessed. Apprized that the quotas might be unequal, they provided the best remedy in their power, and which will ultimately do justice to all the states, each being entitled, on a final settlement, to full credit for the principal and interest of all advances beyond their due proportion.

The ravages of the enemy in some of the states, and their possession of strong posts throughout South Carolina and Georgia, have unavoidably occasioned an encrease of the quotas of such states as enjoy greater internal tranquillity and freedom of commerce. Whether Massachusetts in particular hath been called upon in an undue proportion to her abilities, as seems to be apprehended, cannot now be determined; but their honorable court do justice in ascribing it, if it has happened, to error. That no partiality could have been intended, is as certain, as that the most punctual compliance with the respective requisitions is essential to the public safety.

Imported commodities, it is affirmed, are vended in Massachusetts below their original cost; and that therefore the proposed duty will operate partially against the mercantile interest. Information respecting imports into Philadelphia leads us to conclude that the disadvantage pointed out in this objection arises from accidental circumstances, and not from any permanent cause. But it seems sufficient to observe, that either a profit will arise on foreign commodities, or the importation must cease. For no commerce can be long pursued,

which, instead of enriching, impairs the substance of the merchant. Besides, the aid required ought not to be measured by the present hour. It will be contributed many years after peace shall be established, and when we may expect that our commerce will be secure and prosperous.

The honorable court seem to apprehend, that the duty will operate on the states themselves unequally. It may be necessary, in order to remove this objection, to recur to the motives which gave it a preference in the opinion of Congress.

The public debts actually incurred on loan office certificates, and other loans, had created an annual interest of more than a million of dollars. Those engagements, although contracted on the faith and for the defence of the United States, Congress had no means to fulfil. It became then an indispensable act of justice, that funds should be provided by the states; that those funds should be productive, and of sufficient permanency to secure the public creditors; and that the burthen which they might impose should be uniformly and equally sustained. To combine so many states in one general system; to reconcile it to their opinions, their policy and their internal circumstances, will always be difficult. Without liberal sentiments with respect to each other; without confidence in the general council, and a regard for the safety and happiness ~~and glory~~ of the ~~general~~ whole Confederacy, ~~will be found necessary to repress the force of local attachments~~ it will be impracticable. What tax could have been pointed out, to which some of the states might not have raised objections? Had an excise, a land tax, or a capitation, been recommended, would either of them have been preferred to the duty under consideration? Could either of them have been carried so easily into

effect, or have operated with so much impartiality? It is indeed the interest of a nation to leave trade as free and unincumbered as circumstances will permit; and yet we find that even those governments, which owe all their riches and grandeur to commerce, do not hesitate to draw from it contributions for the support of war and government. Considering then the great exertions which are necessary at this interesting conjuncture, ought these United States to plead an exemption? Surely a moderate duty on trade cannot give dissatisfaction to a people, who have nothing less at stake than their honor, good faith, liberty and independence. As a partial regulation of individual states there is no reason to think it will ever take place. The danger of transferring the trade from such as impose, to those which are exempt from the burthen, will effectually prevent it. There is only one method in which it can be introduced—by the authority of the United States co-operating with the respective legislatures.

~~That the consumer eventually pays all duties of this nature is a maxim which affords an irrefragable argument in favour of the measure.~~

When this duty was debated, it was taken for granted, on the general maxim, that it would ultimately be borne by the consumer. In this view no tax could have been devised, under our present circumstances, which afforded a prospect of more equality and impartiality, or of less objection, or discontent. The states, whose commerce is the most flourishing, will appear in the first instance to contribute largely to the common treasury. But remotely the consumer, wherever he resides, must bear the burthen. And the merchant who advances it, will take care to receive full interest. Even if it should be admitted, that states which enjoy the greatest commer-

cial advantages may be exposed to a share of the duty beyond their strict proportion, might it not be considered as a just tribute for peculiar blessings denied by the fortune of a common war to their less happy sister states? Blessings purchased perhaps by their sufferings and secured by their resistance against invaders, who might otherwise have had leisure to close all the avenues to commerce.

The last objection implies, that if the proposition should in part be acceded to, it would be insisted on that the proceeds of the duties should be passed to the credit of the states from which it might arise. This objection was also fully considered when the subject was debated. A review of the situation and commerce of the several states, as well before the war as at this day, will be sufficient to remove it. Several states, and in every part of the continent, import for their neighbours. Is it reasonable that the duties on goods, which the latter consume, should be applied to the exclusive benefit of the State which has had the advantage of the importation? Would a measure so illiberal meet with approbation or acquiescence? Every system, which is to operate throughout the United States, must have equity for its basis; and if the consumer pays the taxes, and every state, whether it imports or not, contributes to the consumption, the produce of the duty ought to be credited to the United States; or it is easy to see that the proposition will be rejected.

Your committee are upon the whole of opinion, that the necessity of a compliance with the proposition in question should be strongly urged to the legislature of Massachusetts, as a measure just and expedient in itself, and which will operate with impartiality and facility, and better than any other afford a prospect of some



satisfaction to the public creditors, whose just complaints ought to be redressed without delay.<sup>1</sup>

*Ordered*, That a copy thereof be transmitted to the general court of the Commonwealth of Massachusetts, in answer to their letter of 10th March last.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

FRIDAY, APRIL 20, 1781

The delegate for the State of New York laid before the house instructions from the legislature of that State, which were read:<sup>3</sup>

*Ordered*, That it be referred to the committee on the letter of 28 March, from the governor of the State of New York:

The report of the committee, ||consisting of Mr. Ward, Mr. Sullivan and Mr. Motte,|| on the memorial of Colonel Hazen, and the letter of March 1 from General Washington, was taken into consideration; Whereupon,

*Resolved*, That the Board of Treasury be, and they are hereby directed to settle and adjust the depretiation that is due to Colonel Moses Hazen, the officers and men belonging to his regiment that are not considered as a part of either of the United States' quotas, and give them loan office certificates for the sums that may be found due to them, payable in three years from the first day of January last, with interest; the depretiation to be calculated by the same scale by which the State of Massachusetts calculated the depretiation due to the troops of that State.

*Resolved*, That twenty-four dollars, in bills of the new emission, be paid to each non-commissioned officer and

<sup>1</sup> This report was entered only in the manuscript Secret (Domestic) Journal and in No. 12 (Estimates). The draft, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 20, I, folios 65-73.

<sup>2</sup> This paragraph was also entered in the manuscript Secret (Domestic) Journal.

<sup>3</sup> These instructions, dated March 28, 1781, are in the *Papers of the Continental Congress*, No. 67, II, folio 366.

private soldier belonging to Colonel Moses Hazen's regiment, who is not considered as belonging to the quota of either of the United States.

*Resolved*, That the arrears of pay due to Colonel Moses Hazen's regiment, be paid up in the same manner the battalions belonging to the respective states are paid, and be supplied with clothing in the same proportion that other continental troops are supplied.

*Resolved*, That Colonel Hazen's regiment be recruited to its original establishment so soon as the finances of the United States will admit of the same being done.

*Resolved* That Col. Moses Hazen be promoted to the rank of Brigadier by Brevet, in the armies of the United States; and that such other promotions be made in Col. Hazen's regiment as the Commander in Chief shall judge just and necessary.

*Resolved*, That it be, and hereby is recommended to the States of Rhode Island and Providence Plantations, New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia, to make good the depretiation of the monthly pay of the officers and soldiers belonging to Colonel Moses Hazen's regiment that are considered as a part of the quota of the respective states aforesaid, in the same manner they have made good the depretiation to the officers and soldiers in the battalions belonging to the line of those states respectively.

~~Otherwise they will not be entitled to consider them any longer as a part of their quotas the resolve of the fifteenth of March 1779 notwithstanding. And in case all or either of the States aforesaid shall neglect or refuse to comply with this resolve for the term of thirty days from and after the day of next the Board of Treasury are hereby directed to settle with all such men of Colonel Hazens regiment as belong to such delinquent state or states in the same manner they are directed to settle with the men in said regiment that are not considered as any part of the quota of either of the United States and also pay each non-commissioned officer and private soldier twenty-four dollars in the bills of the new emission.<sup>1</sup>~~

<sup>1</sup> This report, in the writing of Artemus Ward, is in the *Papers of the Continental Congress*, No. 19, VI, folio 341, except the last two paragraphs. Another copy of the whole report, also in Ward's writing, is in No. 19, III, folio 91.

*Ordered*, That so much of the report as relates to the promotion of Colonel Hazen be referred to the committee on General Washington's letter, of 10 December last.

An account of Richard Philips, audited in the auditor general's office March 29, was read:

*Ordered*, That it be referred to the Board of Treasury to take order.

*Ordered*, That the report of the committee on Mr. R. Morris's letter, of 13 March, be re-committed:

That two members be added in the room of those absent:

The members, Mr. [George] Clymer, Mr. [James] Madison.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

#### SATURDAY, APRIL 21, 1781

A report from the Board of Admiralty was read:

The Board of Admiralty beg leave to lay before the Hon'ble the United States in Congress assembled an extraordinary letter they yesterday received from one Samuel Parsons, directed to the Honorable the Marine Committee of Congress, inclosing an account of the purchase and disbursements of a certain schooner called by him the *Continental Schooner Fame*.

This same (we suppose) Samuel Parsons not long since drew a bill upon the Marine Committee, in favor of the Hon'ble the Committee of Commerce, which this Board refused to accept, and they shall not think themselves justifiable in giving him credit for the amount of the first cost and disbursements of the Schooner *Fame*, unless they are directed so to do by your Honors, for they have no *official* knowledge of this man.

One of your Commissioners (Mr Ellery) informs the Board, that while he had the honor of a seat in Congress, he received a letter from Martinico, addressed to the Delegates of the State of Rhode Island, which placed Samuel Parsons in so unfavorable a light, that he thought it his duty to communicate it to Congress. He did read it in his place, as some of your Honorable body may recollect, but the matter not being considered in so serious a light as he thought it deserved, he put his letter in his pocket with the satisfaction of

<sup>1</sup> A petition from John Paul Schott was read, as the indorsement indicates. It is in the *Papers of the Continental Congress*, No. 42, VII, folio 93.

having done his duty. He remembers that the Honorable Delegates from Massachusetts of whom the Honorable James Lovell then was and now is one, received information from Martinico respecting Samuel Parsons similar to that which he had communicated.

He begs leave through the channel of this address further to inform the United States in Congress assembled, that he not long since heard a Gentleman who had been a Captain in the line of your army and whose name is Herring, declare that Samuel Parsons, Merchant, at St. Pierre Martinico, was a dishonest scoundrel, and give an instance of his dishonesty.

As St. Eustatius is in the possession of the enemy and of course the trade of these States to the French Islands will be probably increased, the Board with all submission would beg leave to suggest, that it might not perhaps be improper to appoint a Consul for Hispaniola and another for Martinico invested with power to act as ~~continental or commercial~~ agents for the United States in Congress assembled.<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [James] Lovell, Mr. [William] Sharpe, Mr. [George] Clymer.

A memorial of Musco Livingston was read:

*Ordered*, That it be referred to the Board of Admiralty.

A letter, of 13, from J. M. Scott, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members, Mr. [Abraham] Clark, Mr. [Samuel] Johnston, Mr. [Joseph] Montgomery.

A memorial from F. Hopkinson, treasurer of loans, was read:

*Ordered*, That the same be referred to the Board of Treasury; and that the Board of Treasury take order and give directions that the remainder of the emissions of May, 1777, and April, 1778, which are yet uncanceled and undestroyed, be delivered to the commissioners appointed to count and burn the same, to be by them counted and burned at the office where they are now counting and destroying other

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 137, I, folio 571.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XXI, folio 53.

emissions of continental currency; and that Francis Hopkinson, treasurer of loans, be excused from farther attendance on that business.

A warrant on George Webb, treasurer of the Commonwealth of Virginia, by order of Congress dated June 14, 1780, in favour of Major General Gates, for one hundred thousand dollars, towards forming a military chest for the southern army being returned unpaid:

*Ordered*, That it be transmitted to the Board of Treasury to be cancelled, and that proper entries be made in their books accordingly.

The committee to whom was re-committed the report of the committee on Mr. Morris's letter, of 13th March; and

The committee on the letter, of 25 November last, from General Sullivan; and

The Committee upon Gen<sup>l</sup> Sullivans letter of the 25<sup>th</sup> Nov<sup>r</sup> having taken the same under their consideration report as follows:

That the Board of Treasury be directed to pass to the credit of Gen<sup>l</sup> Sullivan                dollars in specie as a compensation for the expences incurred by him in securing the military stores and ordnance in Fort William, New Hampshire in the year 1775, and distributing them in various parts of the country for the use of the United States.

With respect to other claims upon the United States set forth in his said letter for depreciated pay and for extraordinary expences incurred by him on several occasions, as the commanding officer in a separate department, 'tho' they are of opinion the said claims are such as might justly entitle him to compensation, yet as they must be determined upon principles which will include the cases of many others, not provided for, your Committee cannot with propriety report specially upon them, but refer them to the equity and wisdom of Congress whenever they may deem it expedient to enter into the consideration.<sup>1</sup>

The committee on the motion of Mr. [Oliver] Wolcott, delivered in their respective reports:

<sup>1</sup> This report, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 19, V, folio 445. It was re-committed June 13, 1781.

The Committee to whom was referred the motion of Mr Wolcott, and the plan of finance offered by M. Smith, report the ordinances under the following titles, to wit, "An Ordinance for the Support of Public Credit" and, "An Ordinance for emitting the Sum of ten millions of Dollars in Bills of Credit, and providing for the redemption thereof; and for other purposes therein mentioned."

Which your Committee beg leave to refer to the Consideration of Congress.

M. SMITH, *Chairman of Com.<sup>s</sup>*<sup>1</sup>

The report of the committee ||consisting of Mr. Houston, Mr. Burke, Mr. Wolcott|| on Mr. Morris' letter ||of 13th of March last|| was taken into consideration; Whereupon,

The committee to whom was recommitted the report respecting the powers of the Superintendant of Finance beg leave to submit the following resolutions:

*Resolved*, That the superintendant of finance be, and he is hereby authorised to remove from office or employment, for incapacity, negligence, dishonesty or other misbehaviour, such persons, not immediately appointed by the United States in Congress assembled, as are or may be officially entrusted with, and immediately employed in the expenditure of the public money; in the issues and expenditure of public supplies, stores and other property; in stating, examining and passing the public accounts, or in the receipt of the continental revenues of the United States, and such of the said persons as are or may be in his judgment unnecessary, reporting to such authority, board, minister or office, to whom it may belong to supply the vacancy, the respective names of the persons so removed ~~and the causes of removal~~.<sup>2</sup>

That he be authorised to suspend from office or employment, for similar causes, persons officially employed and entrusted as aforesaid, immediately appointed by the United States in Congress assembled, reporting forthwith their names and the reasons of suspension:

<sup>1</sup> This report, in the writing of Meriwether Smith, is in the *Papers of the Continental Congress*, No. 26, folio 255.

<sup>2</sup> A marginal note says: "Struck out May 7th."

Provided, that in all cases where any of the persons aforesaid, are or may be amenable to the law martial, the superintendant be, and he is hereby authorised and directed, if he shall deem it most expedient for the public service, to put them in arrest by order in writing, and to apply to the officer whose duty it may be, to order a court martial; and such officer is hereby directed to order proceedings on the arrest accordingly:

That in every case of suspension, all pay and emoluments cease from the date thereof, unless the persons suspended be, upon trial, acquitted and restored; and the superintendant shall have power to supply the place when it may be necessary, by a temporary appointment, to continue until the person suspended be restored or dismissed:

That the aforesaid powers shall not be construed to interfere with the rank, commission or military duty of any officer in the line of the army, or to those who may be duly entrusted with money for secret services by Congress, or the Commander in Chief of the army, or of commanding officer of a separate department:

That the powers aforesaid be exercised during the pleasure of Congress, but not to extend beyond the duration of the war:

~~And in order that the said Superintendent of Finance may be at liberty to devote his time and attention to the more immediate duties of his office — Resolved, that a Procuratour or Solicitour be appointed in each State, on the nomination of the said Superintendent, the Duty of whom, and of each and every of them, among other Things, shall be to carry on Prosecutions against Persons delinquent and suspended or removed as aforesaid, when the same may be necessary on Behalf of the said Superintendent.~~<sup>1</sup>

Ordered, That the committee have leave to sit again.

On motion of Mr. [Abraham] Clark, seconded by Mr. [James Mitchell] Varnum,

<sup>1</sup> This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, IV, folio 313.

*Ordered*, That Ezekiel Cornell, one of the commissioners of the Board of War, have leave of absence for six weeks agreeably to his request:

That the said E. Cornell be, and he is hereby directed to visit the military stores and elaboratory to the eastward, in the department of the commissary of military stores, and to take measures for removing arms, ammunition and stores from thence to the main army, or to the southward; and to correct abuses in the said department, agreeably to instructions he may receive from the Board of War for those purposes.

That a warrant issue on Nathaniel Appleton, commissioner of the continental loan office in the State of Massachusetts, and another on Joseph Clarke, commissioner of the continental loan office in the State of Rhode Island, each for ten thousand dollars money of the new emissions, in favor [of] Joseph Carleton, paymaster of the Board of War and Ordnance, to be put into the hands of Ezekiel Cornell, to enable him to execute the instructions he may receive from the Board of War. For which sums the said paymaster of the Board of War and Ordnance is to be accountable.<sup>1</sup>

Adjourned to 10 o'Clock on Monday.

MONDAY, APRIL 23, 1781

A letter, of 16; and one, of 18, from General Washington, were read:<sup>2</sup>

*Ordered*, That the letter, of 18, be referred to the delegates of Pensylvania and that they confer on the subject with the president and supreme executive council of Pensylvania, and report.

A letter, of 10, from President Weare of Newhampshire, was read, enclosing an act passed by the legislature of that

<sup>1</sup>This motion, undated, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, IV, folio 107.

<sup>2</sup>The letter of 16<sup>th</sup> is in the *Papers of the Continental Congress*, No. 152, X, folio 77; that of the 18<sup>th</sup> is on folio 81. The letter of April 16 is printed, in part, in the *Writings of Washington* (Ford), IX, 218.



State "to authorise the Congress of the United States of America to levy a duty not exceeding five per cent. upon goods imported into and prizes condemned within that State":<sup>1</sup>

*Ordered*, That a committee of three be appointed to prepare an ordinance for collecting the duties on imports and prizes so soon as acts have been passed by the legislatures of the states pursuant to the resolutions of the 3rd and 7th of February last:

The members, Mr. [James] Duane, Mr. [George] Clymer, Mr. [Thomas] Bee.

The committee to whom was referred the letter, of 9, from Chas. Stewart, delivered in a report, which was read; Whereupon,

*Ordered*, That the following warrants issue in favour of Charles Stewart, commissary general of issues, one on the commissioner of the continental loan office for the State of Massachusetts, for twenty thousand dollars; one on the commissioner of the continental loan office for the State of Rhode Island, for ten thousand dollars; and one on the commissioner of the continental loan office for the State of Connecticut, for ten thousand dollars; the whole amounting [to] forty thousand dollars new emission for the use of his department, and for which the said Charles Stewart, commissary general of issues, is to be accountable:

That a warrant issue on the commissioner of the continental loan office for the State of Rhode Island, in favour of Solomon Southwick, deputy commissary of issues, for two thousand dollars, bills of the new emission, for which sum he is to be accountable.

An extract of a letter, of 6th, from the governor of Virginia to the delegates of that State, was read:<sup>2</sup>

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 64, folio 184; the Act enclosed is in No. 74, folio 9.

<sup>2</sup> This extract is in the *Papers of the Continental Congress*, No. 71, II, folio 95.

*Ordered*, That it be referred to the Board of Treasury.

The letter, of 16, from General Washington, was taken into consideration; Whereupon,

*Resolved*, That the Board of War be and they are hereby directed to take effectual measures for the removal of all public stores and also all beef cattle and provisions and forage collected or stored, from the peninsula between the Delaware and Chesapeak bays and on the Jersey shore adjacent to the Delaware, which may probably fall into the hands of the enemy on an invasion. That the said cattle, provisions and forage be transported to places of security and valued by proper persons, and certificates given by the commissary general of purchases to the owners thereof, specifying quantity, quality and value:

That it be and hereby is recommended to the executives of New Jersey, Pensylvania, Delaware, Maryland and Virginia to give every assistance in their power to the officers appointed to secure the cattle, provisions and forage afore-said.

Whereas, it is represented by the Commander in Chief that he has taken measures for the exchange of Lieutenant General Burgoyne:

*Resolved*, therefore, That he be authorised, if he shall think fit, to proceed in perfecting the said exchange, the resolution of the 3rd instant notwithstanding.<sup>1</sup>

A letter, of 12, from the navy board in the eastern department; and

A letter, of 19, from Solomon Halling, were read.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> These resolutions upon the letter of General Washington were also entered in the manuscript Secret (Domestic) Journal. A copy of the first resolution is in the *Washington Papers*, 96, 203.

<sup>2</sup> The Navy Board's letter is in the *Papers of the Continental Congress*, No. 37, folio 155; Halling's is in No. 78, XII, folio 133.

A letter from John Ross, dated this day, was read, according to the indorsement. It is in No. 78, XIX, folio 353.











